

CALIFORNIA LEGISLATURE—ASSEMBLY.

THIRTY-THIRD (EXTRA) SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 29, 1900. }

Pursuant to the terms of the proclamation issued by His Excellency, Governor Henry T. Gage, the Assembly of the State of California convened in extra session on the 29th day of January, 1900, at the hour of one o'clock P. M., and was called to order by Hon. Alden Anderson, Speaker of the thirty-third session.

OFFICERS PRESENT.

The following officers of the thirty-third session of the Legislature were in attendance:

Speaker	Hon. Alden Anderson.
Speaker pro tem.	Hon. F. E. Dunlap.
Chief Clerk	C. W. Kyle.
Sergeant-at-Arms	W. O. Banks
Assistant Clerks	
.....	H. S. Wanzer, J. L. Scotchler, F. H. Owen, and H. T. Smith.
Assistant Sergeant-at-Arms	W. H. Dahle.
Journal Clerk	L. Davis.
Enrolling and Engrossing Clerk	C. O. Wellock.
Minute Clerk	R. Q. Wyckham.
Assistant Minute Clerk	Clarke Howard.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Mnenter, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Charles L. Miel.

LEAVES OF ABSENCE.

Leave of absence was granted to Mr. Caminetti for one week, on motion of Mr. Mead.

Mr. Wright was granted leave of absence for one week, on motion of Mr. Belshaw.

PROCLAMATION OF THE GOVERNOR.

The Speaker directed the Chief Clerk to read the proclamation of the Governor, convening the Legislature in extraordinary session, as follows:

PROCLAMATION.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 23, 1900. }

WHEREAS, An extraordinary occasion exists, requiring the convening of the Legislature of the State of California for the purposes hereinafter particularly set forth.

Now, therefore, I, Henry T. Gage, as Governor, by virtue of the power conferred upon me by Section 9, Article V of the Constitution of the State of California, do hereby convene the said Legislature, to assemble in extraordinary session at the City of Sacramento, State aforesaid, at the State Capitol, on Monday, the twenty-ninth (29th) day of January, in the year of our Lord 1900, at one o'clock P. M. of said day.

The purposes for which I have by this proclamation convened, and for which I do hereby convene said Legislature to meet in said session, are specifically as follows:

FIRST.

To elect a United States Senator from this State, to fill the vacancy now existing, caused by the expiration of the term of office of the Honorable Stephen M. White.

SECOND.

To consider and enact a law, to take immediate effect, amending Section 2524 of the Political Code of the State of California, so that said section, when amended, shall be in words and figures substantially as follows:

SECTION 2524. The Commissioners shall have possession and control of that portion of the Bay of San Francisco together with all the improvements, rights, privileges, easements, appurtenances connected therewith, or in anywise appertaining thereto, for the purpose in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns, on valid leases, which parcels so held it is hereby made the duty of the Commissioners to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases), bounded as follows, to wit: Commencing at the point where the easterly line of the Presidio Reservation intersects the water-line front, as established by the Board of State Tide Land Commissioners, thence easterly along said water-line front to the center of Webster Street; thence southerly along the center of Webster Street to the center of Lewis Street; thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the center of Polk Street to the center of Tonquin Street; thence easterly along the center of Tonquin Street to the center of Larkin Street; thence southerly along the center of Larkin Street to the center of Jefferson Street; thence easterly along the center of Jefferson Street to the center of Powell Street; thence southerly along the center of Powell Street to the center of Beach Street; thence easterly along the center of Beach Street to the center of Dupont Street; thence southerly along the center of Dupont Street to the center of North Point Street; thence easterly along the center of North Point Street to the center of Kearny Street; thence southerly along the center of Kearny Street to the center of Francisco Street; thence easterly along the center of Francisco Street to the center of Montgomery Street; thence southerly along the center of Montgomery Street to the center of Chestnut Street; thence easterly along the center of Chestnut Street to the center of Sansome Street; thence southerly along the center of Sansome Street to the center of Lombard Street; thence easterly along the center of Lombard Street to the center of Battery Street; thence southerly along the center of Battery Street to the center of Greenwich Street; thence easterly along the center of Greenwich Street to the center of Front Street; thence southerly along the center of Front Street to the center of Vallejo Street; thence easterly along the center of Vallejo Street to the center of Davis Street; thence southerly along the center of Davis Street to the center of Pacific Street; thence easterly along the center of Pacific Street to the center of East Street; thence southerly along the center of East Street to the center of Folsom Street; thence westerly along the center of Folsom Street to the center of Stuart Street; thence southerly along the center of Stuart Street to the center of Harrison Street; thence southerly on a direct line with said

Steuart Street two hundred and fifty-three feet nine inches, to the center of a street the name of which is not on a map; thence at right angles westerly along the center of said street to the center of Spear Street; thence southerly along the center of Spear Street to the center of Bryant Street; thence westerly along the center of Bryant Street to the center of Beale Street; thence southerly along the center of Beale Street to the center of Brannan Street; thence westerly along the center of Brannan Street to the center of First Street; thence southerly along the center of First Street to the center of Townsend Street; thence westerly along the center of Townsend Street five hundred and fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King Street; thence westerly along the center of King Street to the center of Second Street; thence southerly along the center of Second Street to the center of Berry Street; thence westerly along the center of Berry Street, to the center of Third Street; thence southerly along the center of Third Street to the northerly line of Channel Street; thence westerly along the last mentioned line to the easterly line of Fifth Street; thence southerly along said last mentioned line to the southerly line of said Channel Street; thence easterly along said last mentioned line to the center of Kentucky Street; thence southerly along the center of Kentucky Street to the center of Fourth Street; thence along the center of Fourth Street to the center of Louisiana street; thence southerly along the center of Louisiana Street to the center of El Dorado street; thence westerly along the center of El Dorado Street to the center of Illinois street; thence southerly along the center of Illinois Street to the center of Solano street, thence easterly along the center of Solano Street to the water-front line established by the Board of State Tide Land Commissioners, thence southerly along said last mentioned line to the center of Tulare Street; thence westerly along the center of Tulare Street to the center of Texas Street; thence southerly along the center of Texas Street to the center of Islais Street; thence easterly along the center of Islais Street to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the center of India Street; thence westerly, southerly, and easterly along the center of said India Street to the center of Waterfront Street, to the center of China Street; thence westerly along the center of China Street to the center of Third Avenue, thence southerly along the center of Third Avenue to the northerly line of the property of the California Dry Dock Company; thence easterly along said last mentioned line to the waterfront established by the Board of State Tide Land Commissioners, thence southerly along and around said Dry Dock Company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Waterfront Street, thence southerly along the center of Waterfront Street to the center of Nineteenth Avenue; thence westerly along the center of Nineteenth Avenue to the center of Dock Street, thence southerly along the line of Dock Street to the center of Twenty-third Avenue; thence westerly along the center of Twenty-third Avenue to the center of H Street; thence southerly along the center of H Street to the center of Twenty-fourth Avenue, thence easterly along the center of Twenty-fourth Avenue to the center of Waterfront Street; thence southerly along the center of said Waterfront Street to the southern boundary of the City and County of San Francisco; thence along the southerly, easterly, and northerly boundary lines of said city and county to a point due north of the place of commencement, and thence south to the place of commencement. But no harbor embankment or seawall shall be constructed outside of the following named points and lines, to wit: Commencing at the point where the eastern boundary line of the Presidio Reservation, extended in a northerly direction, intersects the three-fathom contour line shown upon the chart of the United States Survey, and running thence in an easterly and southerly direction, upon straight or curved lines, in such manner as to approach as near as practicable the extreme outer projections of the water-line front, as described in an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, in the year of our Lord eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry Streets, thence continuing southerly, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water-line front, as established by the Board of State Tide Land Commissioners, to the southerly boundary of said City and County of San Francisco; and said Commissioners, in addition to a general control over said premises, shall have authority to use, for loading and landing merchandise, with a right to collect dockage, wharfage, and tolls thereon, such portion of the streets of the City and County of San Francisco, ending or fronting upon the waters of said bay, as may be used for such purposes without obstructing the same as thoroughfares; and authority to rent an office in the City and County of San Francisco, between Montgomery, Market, and Pacific Streets and the city front; and purchase from time to time suitable books for the records of the Secretary and accounts of the Wharfmasters, together with such stationery as may be required by the Board; and to fix and regulate, from time to time, the rates of dockage, wharfage, craning, tolls, and rents; and collect such an amount of revenue therefrom as will enable the Commissioners to perform the duties required of them by authority of this article; and the Commissioners and Governor of California may so modify and establish such rates of dockage and wharfage as will produce a revenue not to exceed in amount the moneys collected in the year eighteen hundred and seventy-five, collecting as near as possible equal amounts from dockage and wharfage. When such modification has been made, the collection of tolls must be abolished and the toll collectors discharged. The Commissioners shall construct such number of wharves as

the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the Board may deem most suitable for the best interests of commerce, and shall repair and maintain all the wharves, piers, quays, landings, and thoroughfares the wants of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the City and County of San Francisco, by water. And for the purpose of repairing said wharves, piers, quays, and landings, the Commissioners are hereby authorized and empowered to purchase or construct pile-drivers, and the necessary machinery to be used therewith, and employ men for operating the same, nor shall any wharf be constructed upon such place or line as will cause any slip or dock to be less than one hundred and thirty-six feet wide at the most narrow point between the wharves. The Commissioners are hereby authorized and empowered to purchase or construct works for preserving piles and timber, and the necessary machinery to be used therewith, and operate said works, and for that purpose to employ men and purchase chemicals, or such other materials as may be necessary for the preserving of piles and timber. The purchase of chemicals can be made without advertising or proposals therefor. When they determine that a new wharf shall be erected, or any other necessary improvement constructed, or repairs made, or dredging machines, pile-drivers, scows, steam tugs, or any necessary machinery or material obtained, the costs of which shall exceed three thousand dollars, they shall advertise for sealed proposals, for a period not less than ten days, in one or more of the daily newspapers in the City and County of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal, such check to be made payable to the order of the Secretary of said Board; conditioned if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case the said sum mentioned in said check shall be paid into the State Treasury by said Secretary, as liquidated damages for such failure and neglect, as a portion of the San Francisco Harbor Improvement Fund. Such advertisement shall contain a general description of the work to be done, the material to be used, the place where to be used, and must refer to specifications, which must contain a full and accurate description of the work to be performed, the material to be used, and where to be used, which specifications shall be kept in the office of the Secretary of the Board in such manner that all persons may inspect the same during the usual business hours of all days except Sundays and holidays. On a day named in the advertisement, the Commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the work. If, in the opinion of the Commissioners, the bids are too high, they may reject them and advertise anew in like manner as before. If, in the opinion of the Commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving further notice. Any contract entered into without giving public notice and receiving bids, must be at least ten per cent lower than the lowest rejected bid. The Board may construct such harbor embankments or seawall as shall be necessary to protect the harbor of San Francisco, and dredge such number of slips and docks as the commerce of the port of San Francisco may require, to a depth that will admit of the easy and free ingress and egress of all classes of water craft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Francisco; to perform which dredging the Board of State Harbor Commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the Board, in not less than fifteen fathoms of water. All classes of water craft that uses or makes fast to any wharf, pier, quay, landing or thoroughfare, and lands upon or loads therefrom any goods, wares, or merchandise, shall be liable and must pay to the Commissioners such rates of dockage as shall be fixed by authority of this article; and all such water craft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock, or basin within the jurisdiction of the Commissioners, shall pay one-half the regular rates of dockage. Any water craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular rates. The charge for wharfage and toll shall be a lien upon all goods, wares, and merchandise landed upon any of the wharves, piers, quays, landings, or thoroughfares upon the premises described in this article; and the Commissioners, their agents or lessees, may hold possession of any such goods, wares, or merchandise so landed as aforesaid, to secure the payment of such wharfage and tolls; and for the purpose of such lien are deemed to have possession of such goods, wares, and merchandise so landed until such charge for wharfage and tolls are paid. The Commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the State which is intrusted to them by virtue of this article, and said Commissioners are hereby authorized and required to make, without delay, and from time to time, and publish not less than thirty days in a daily newspaper of general circulation published in the City and County of San Francisco, all

needful rules and regulations not inconsistent with the laws of the State or of the United States in relation to the mooring and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferryboats and other steamers navigating the waters of the Bay of San Francisco and the fresh water tributaries of said bay, so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said Commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from slips and docks, as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise landed upon any wharf, pier, quay, landing, or thoroughfare shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare beyond the term so prescribed, the respective wharfinger may, under the order of the Commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the Commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The Commissioners may, in their discretion, set apart and assign, for the exclusive use of the water craft used by the officers of the Federal Government, such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storehouses to suit their convenience; and the Commissioners shall charge a reasonable compensation per month for the use of such landings and office and storehouse premises; set apart and assign a suitable and proper locality for the use of the Harbor Police of the City and County of San Francisco, and also a suitable place for a boat house station, for the exclusive use of the quarantine and health officers of said city and county, without compensation; set apart and assign, for the exclusive use of steam ferryboats, suitable slips in which said structures may be erected as will secure the safe and convenient landing of passengers and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of vessels, to construct suitable sheds, gates, and other temporary structures as may be necessary for the safe and convenient landing of passengers and safe landing and delivery of freight; and set apart and assign, for the sole and exclusive use of the fishermen of the City and County of San Francisco, such place or places as the said Commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen, *provided*, the premises set apart by said Commissioners shall be used only for the legitimate business of said fishermen, and for no other purpose; and *provided*, said Commissioners shall not charge therefor more than the following rates: For boats over twenty-two feet and under forty feet long, one dollar per week; for boats from sixteen to twenty-two feet long, seventy-five cents per week; and for all boats less than sixteen feet long, twenty-five cents per week. The Commissioners may assign suitable places for the landing of horses, cattle, sheep, and swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any water craft to land any greater number than ten at any one time from any water craft at any other place. The Commissioners may set apart, for the uses and purposes of dry docks and marine railways, such portions of the waterfront northwesterly of the northerly end of Kearny Street and southerly of the easterly end of Solano Street, as the wants of commerce may require. The Commissioners shall not have the right to renew any lease, or to lease any premises under their control for any purpose whatever, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the Commissioners' charge, except such use as shall be terminated as herein provided; and the said Commissioners may condemn, purchase, and pay a reasonable compensation for such structure as may have been erected upon the said premises, which structure, in the opinion of the Board and Engineer, may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares, or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare situated upon the premises described in this article, nor shall any corporation, firm, association, company, or person collect dockage, wharfage, crantage, or toll within the boundaries of the premises described in this article, without first obtaining permission to do so from said Commissioners. Any use permitted of the property by the Commissioners may be terminated at any time by them, on thirty days' previous notice to the party or parties so using the same. Said Board shall not lease to, or permit any corporation or association, or any person or persons, to lay down any track or tracks for railways along any of the property described herein, or on any portion of the waterfront of San Francisco, under any condition whatever. Said Board may, when the wants of commerce require, lay down such number of tracks along and on any portion of said waterfront as may be necessary to meet such wants, and permit the use thereof to any corporation or association, or any person or persons, under such rules, regulations, and at such compensation as said Board may determine; *provided*, that no special privileges shall be awarded thereon to any corporation, association, person, or persons; and *provided*

further, that switches from said railroad track or tracks may, with the permission of said Board, and under the limitations and conditions of this Act, be constructed by corporations, or any person or persons, leading to any warehouse or place of business. Nor shall any person or company place, or cause to be placed, any obstruction in that portion of the Bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the Board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Francisco shall be incumbered, or their free use interfered with by goods, wares, merchandise, or other substances, whether loose or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the Commissioners to notify, in writing (which service may be served by a Wharfinger, or the Secretary or Assistant Secretary of the Board), the owner, agent, or occupant, or person placing or keeping such obstructions thereon, to remove the same within twenty-four hours after the serving of such notice, and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person notified shall be liable to pay the Commissioners the sum of twenty-five dollars for each and every day during which such obstruction shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the Commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the Commissioners, and such sum and necessary charges shall be a lien on such substance until paid. The rate of dockage, wharfage, and tolls shall not exceed those established by the Board of State Harbor Commissioners, July first, eighteen hundred and seventy-four, and dockage shall not be collected on any vessel lying at anchor outside of dock, wharf or slip. Nothing in this section shall be construed as authorizing the Board of Harbor Commissioners to construct any railroad along and upon any open canal extending inland from said waterfront. But said Harbor Commissioners may, when a waterfront railroad shall be constructed by them, construct the same across the outlet of such open canal.

THIRD.

To consider and enact a law, to take immediate effect, amending Section 2527 of the Political Code of the State of California, so that said section when amended shall be in words and figures substantially as follows:

SECTION 2527. No contract or obligation entered into by the Harbor Commissioners, which creates a liability or authorizes the payment of money, shall be valid or of binding force unless signed by all three of the Commissioners, and countersigned by the Secretary of the Board. nor shall any contract, involving the payment of money, be made by the said Commissioners, unless the amount then to the credit of the Harbor Improvement Fund, together with the revenue estimated to accrue up to the time of the maturity of such contract, over and above the current expenses of the Commission, be sufficient to meet the payments to become due thereon, *provided*, such estimate of revenue shall be limited, as to time, to five (5) years.

Where the work to be done is the construction of a new wharf, bulkhead or breakwater, and its appurtenances, the Board may lease said wharf, bulkhead or breakwater and its appurtenances for a period not to exceed five years, and for an amount not to exceed the cost of constructing said work, the rents therefrom to be applied, in whole or in part, in payment for the cost of such construction, and said Board may provide in the contracts for the same that the rents therefrom shall be so applied, or the work be paid for, in whole or in part, from such rents and revenues.

FOURTH.

To consider and enact a law in words and figures substantially as follows:

"An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund money now in San Francisco Depot Sinking Fund.

"The People of the State of California, represented in Senate and Assembly, do enact as follows:

"SECTION 1. The State Treasurer is hereby directed to transfer to the San Francisco Harbor Improvement Fund, from the San Francisco Depot Sinking Fund, the sum of thirty-six thousand dollars (\$36,000).

"SEC. 2. The State Treasurer, immediately after making the transfer provided for in this Act, shall notify the State Controller of the same; and the State Controller shall thereupon make a corresponding transfer upon the books of his office.

"SEC. 3. This Act shall take effect immediately."

FIFTH.

To consider and pass and reenact a law, to take immediate effect, creating a Commissioner of Public Works, defining his powers and duties, and fixing his compensation, and to repeal all Acts and parts of Acts in conflict or inconsistent with such law.

SIXTH.

To consider and enact a law, to take immediate effect, amending an Act of the Legislature of the State of California entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purpose of this Act," approved March 17, 1897, by which the Auditing Board of Public Works and the Commissioner of Public Works shall be authorized and empowered to perform other, further, and additional work upon such of the navigable creeks, rivers, and sloughs of the State of California as the Legislature may deem proper, of a character and nature similar to that outlined and described in the report of the Commissioner of Public Works dated November 16, 1896, and accompanying reports and plans of engineers.

SEVENTH.

To consider and enact a law (to take immediate effect) repealing an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

EIGHTH.

To consider and pass and reenact a law repealing an Act of the Legislature of the State of California entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

NINTH.

To consider and enact a law, to take immediate effect, amending Section 3494 of the Political Code of the State of California, so that the same when amended shall be in words and figures substantially as follows:

"SECTION 3494. The unsold portions of the five hundred thousand acres granted to the State for school purposes, the sixteenth and thirty-sixth sections, and lands selected in lieu thereof, must, *unless increased in price as hereinafter provided*, be sold at the rate of one dollar and twenty-five cents (\$1.25) per acre in United States gold coin, payable twenty per cent of the principal within fifty days from the date of the certificate of location issued to the purchaser; the balance, bearing interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any Act by the Legislature requiring such payment, or before, if desired by the purchaser."

TENTH.

To consider and enact a law adding a new section to the Political Code of the State of California, to be numbered Section 3494½, or otherwise (to take effect immediately), relating to the State school lands, which shall be in words and figures substantially as follows:

"SECTION 3494½. Whenever, in the opinion of the Governor, the public interest justifies, he may by proclamation from time to time suspend the sale of any part of the public lands of the State, which lands so suspended from sale shall thereafter only be sold when, by like proclamation, the Governor shall have authorized such sale, and shall have fixed a price thereon, to be not less than one dollar and twenty-five cents (\$1.25) per acre."

ELEVENTH.

To consider and enact a law repealing Section 19 of an Act of the Legislature of the State of California entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

TWELFTH.

To consider and enact laws amending an Act of the Legislature of the State of California entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897; and also amending an Act of said Legislature entitled "An Act to amend sections three, five, six, and eight of article two of an Act entitled 'An Act to establish a State Lunacy Commission, to provide a uni-

form government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, empowering the Governor to summarily remove for cause all Medical Superintendents and Assistant Physicians, or any of them, of the several State Hospitals referred to in said Acts of the Legislature.

THIRTEENTH.

To consider and enact laws amending an Act of the Legislature of the State of California entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897. And also amending an Act of said Legislature entitled "An Act to amend sections three, five, six, and eight of article two of an Act entitled 'An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties,'" approved March 31, 1897, authorizing and empowering the State Commission in Lunacy to fix the salaries of all officers and employes, either appointed or elected, of the several State Hospitals referred to in said Acts of the Legislature.

FOURTEENTH.

To consider and enact a law, to take immediate effect, empowering the Governor of the State of California to summarily remove for cause all public officers appointed by or under the authority of the Governor, whether holding for definite terms or otherwise.

FIFTEENTH.

To consider and enact a law, to take immediate effect, empowering the Governor of the State of California to summarily suspend for cause, during a recess of the Legislature, for and during such interim until the next succeeding session of the Legislature, all appointees of the Governor whose appointments are subject to confirmation by the Senate of the State of California.

SIXTEENTH.

To allow the Governor to send names of appointees to public offices to the Senate of the State of California for confirmation.

In witness whereof, I have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed, at my office in the City of Sacramento, this 23d day of January, A. D. 1900.

[Great Seal of State.]

HENRY T. GAGE,
Governor of the State of California.

Attest: C. F. CURRY, Secretary of State.

RESOLUTIONS.

By Mr. Valentine:

Resolved, That the Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of his Excellency the Governor, dated January 23, 1900, and ready for the transaction of legislative business with the following officers:

Speaker.....	Hon. Alden Anderson.
Speaker pro tem.....	Hon. F. E. Dunlap.
Clerk.....	C. W. Kyle.
Sergeant-at-Arms.....	W. O. Banks.
Assistant Clerks.....	H. S. Wanzer, Frank H. Owen, and J. L. Scotchler.
Minute Clerk.....	R. Q. Wickham.
Assistant Minute Clerks.....	Clarke Howard and A. P. Johnston.
Assistant Sergeant-at-Arms.....	W. H. Dahle.
Journal Clerk.....	L. Davis.
Assistant Journal Clerk.....	Frank J. Murphy.
Bookkeeper to Sergeant-at-Arms.....	Robert Corlett.
Engrossing and Enrolling Clerk.....	C. O. Wellock.
Postmistress.....	Miss Reba Blood.
Assistant Postmistress.....	Miss Lizzie Baxter.
Mail Carrier.....	John Hilliard.

Mr. Valentine moved the adoption of the resolution.

Mr. Cobb moved to amend by adding the name of H. T. Smith as one of the Assistant Clerks.

Mr. Valentine accepted the amendment.

Mr. Raub offered a substitute, which was subsequently withdrawn.

The resolution as offered by Mr. Valentine was adopted by the following vote :

AYES—Messrs. Atherton, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Crowder, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Greenwell, Henry, Huber, Jilson, Johnson, Kelley, Kelsey, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Muentner, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, Valentine, Wade, Works, and Mr. Speaker—61.

NOES—Messrs. Arnerich, Barry, Cargill, Cowan, Crowley, Glenn, Griffin, Hanley, Hoey, Kenneally, McKeen, Miller of San Francisco, O'Brien, E. D. Sullivan, Wardell, and White—16.

By Mr. Raub:

Resolved, That a special committee of five be appointed by the Speaker to report to the Assembly this day, at four o'clock P. M., as to the number of officers and attachés which will be required during the extra session.

Adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

Speaker Anderson appointed the following as the committee under the above resolution: Messrs. Raub, Belshaw, White, Merritt, and Kenneally.

RESOLUTION.

By Mr. Wade:

Resolved, That a select committee of three be appointed by the Speaker to act with a like committee from the Senate, to wait upon the Governor and inform him that the two houses of the Legislature are in session, and in readiness to receive any communication which he may have to make.

Adopted.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker appointed the following as such select committee: Messrs. Wade, Belshaw, and Mead.

RESOLUTION.

By Mr. Belshaw:

Resolved, That until further order the Standing Rules of this Assembly at its last regular session be and the same are hereby adopted as the rules of this session.

Adopted.

RECESS.

At two o'clock and twenty minutes P. M., on motion of Mr. Dibble, recess was declared until four o'clock P. M.

REASSEMBLED.

The Assembly reconvened at four o'clock P. M.

Speaker Anderson in the chair.

REPORT OF SPECIAL COMMITTEE.

Mr. Raub, chairman of the committee on number of necessary officers and attachés, reported progress and requested further time.

On motion of Mr. Dibble, the request was granted.

RECESS.

At four o'clock and thirty minutes P. M., on motion of Mr. Dibble, the Assembly took a recess until four o'clock and forty-five minutes P. M.

REASSEMBLED.

At four o'clock and forty-five minutes P. M., the Assembly reconvened. Speaker Anderson in the chair.

REPORT OF COMMITTEE APPOINTED TO WAIT UPON THE GOVERNOR.

Mr. Wade, chairman of the committee appointed to wait upon the Governor and notify his Excellency that the Assembly was ready for business, submitted the following verbal report:

MR. SPEAKER: Your committee appointed to act with a like committee from the Senate to notify his Excellency the Governor that the Assembly had organized and was ready to receive any communication from his Excellency, have performed that duty and have to report that it is the pleasure of his Excellency to address his message to the Legislature in joint session immediately, or as soon as they can be assembled.

RESOLUTION.

By Mr. Dibble:

WHEREAS, The Governor has indicated his desire to deliver his message in the presence of the two houses.

Resolved, That the Clerk be instructed to send a message to the Senate, requesting the Senate to meet with the Assembly in joint session immediately, for the purpose of receiving the Governor's message.

Adopted.

MOTION.

Mr. Dibble moved that the Assembly do now consider messages from the Senate.

So ordered.

SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, January 29, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby instructed to notify the Assembly that the Senate is organized by the election of the following officers:

Thos. Flint, Jr.	President pro tem.
F. J. Brandon	Secretary of Senate.
E. F. Mitchell	Minute Clerk.
J. L. Martin	Sergeant-at-Arms.
F. L. Thomas	Assistant Secretary of Senate.
Miss M. P. Jones	Assistant Secretary of Senate.
D. G. Holt	Assistant Minute Clerk.
Geo. F. Hatton	Assistant Minute Clerk.
F. G. Michaelis	Assistant at Desk.
W. I. Burns	Assistant Sergeant-at-Arms.
J. G. McCall	Assistant Sergeant-at-Arms.

C. E. Williams.....	Bookkeeper to Sergeant-at-Arms.
W. F. Mixon.....	Journal Clerk.
H. A. Masac.....	Assistant Journal Clerk.
Rev. A. J. Sturtevant.....	Chaplain.
C. R. Mayhew.....	Engrossing and Enrolling Clerk.
J. C. Tittle.....	Assistant Engrossing and Enrolling Clerk.
Miss L. M. Luchsinger.....	Postmistress.
Miss M. P. Hughes.....	Assistant Postmistress.
D. J. Mullins.....	Bill Clerk.
Will Ent.....	Mail Carrier.
A. C. Unsworth.....	Clerk to Committee on Finance.
E. B. Carr.....	Clerk to Committee on Judiciary.
B. F. Gray.....	Clerk to Committee on Commerce, etc.
Fred McPherson.....	Clerk to Committee on Hospitals, etc.
J. St. Leger.....	Clerk to Committee on Mining, etc.
Sam Wacholder.....	In charge Cloak Room.
H. W. Crocker.....	Clerk to Committee on Mileage.
Miss Hilda Clough.....	Stenographer.
Miss May Driscoll.....	Stenographer.
Mrs. E. J. Niles.....	Stenographer.
George Furry.....	Stenographer.
S. Guerin.....	Gatekeeper.
Stanley Wilson.....	Gatekeeper.
W. H. Dickinson.....	Gatekeeper.
J. O'Leary.....	Watchman.
F. F. Kingsbury.....	Watchman.
W. M. John.....	Watchman.
A. L. Tilton.....	Gallery Doorkeeper.

and is now ready for the transaction of legislative business.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day accepted the invitation to meet with the Assembly in joint session to hear the reading of the Governor's message.

F. J. BRANDON, Secretary of Senate.

IN JOINT SESSION.

ASSEMBLY CHAMBER,
Monday, January 29, 1900. }

The Senate and Assembly met in joint session at five o'clock and two minutes P. M.

MOTION.

Mr. Dibble moved that the committee appointed by the Senate and Assembly notify his Excellency the Governor that the two houses are now convened in joint session and are ready to receive him.

So ordered.

At five o'clock and ten minutes P. M. the members of the Joint Committee appeared before the bar of the house and conducted his Excellency the Governor to the Speaker's chair.

The Speaker briefly introduced the Governor, who proceeded to read his message.

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 29, 1900. }

Gentlemen of the Senate and Assembly of the State of California

In re-convening your honorable body in extraordinary session for the purposes expressed in my proclamation, it becomes my duty to state more fully the views which I entertain regarding the business to be transacted and the necessity for this extra session.

After careful consideration for many months of the question whether, among other things, the expense to the people which may accrue from this session should outweigh the exigency of convoking the Legislature, I have fully determined that the question of immediate disbursement should be subordinated to public duty and public necessity, and that this necessity, above all other matters, demands the election of a United States Senator, so that California shall stand equal in representation with her sister States in the Senate of the United States.

The duty which devolves upon you of electing a United States Senator is paramount, and, to afford you an opportunity to perform this high prerogative, would alone—were there no other important questions to be disposed of by the Legislature—require this extraordinary session.

If the representatives of each State in the Union were to refuse to perform their constitutional obligations of electing a United States Senator, the foundation of the Federal Government by and for the people would crumble, and the American Republic would become a melancholy phantasy.

The sisterhood of States represented in Congress is the constitutional essence of our Nation, and full representation is not alone a right belonging to each State, but also one of the greatest rights of the Republic; and for many months last past patriotic and urgent appeals have come to me from many of the most eminent statesmen and jurists in America imploring California to perform, in this regard, her whole duty to the Union. Our country's seal bears the motto Unity from Multiplicity; and the stars and stripes, joined in one flag, signify supremacy and singleness of purpose through a union of the States.

The Constitution and laws of the United States must be obeyed, as well as the Constitution and laws of each State.

The Federal Constitution and laws require that all States shall supply Representatives to Congress, to legislate for the whole people, as well as for the people of the separate States; and the persistent refusal of a State to perform this duty required by the Federal Constitution and laws is *treason* against the Union.

In taking my oath of office, I solemnly pledged myself to support the Constitution and laws of the United States, and I firmly believe that I would be recreant to that sacred oath did I fail now to convoke this Legislature for the purpose of electing a United States Senator.

The practical results of the recent war with Spain must be measured by Congressional legislation.

The Pacific Coast is vitally interested in the maintenance of our new possessions. Commercial expansion westward needs Federal assistance. The proper government of the Philippines is a necessary increment to Western commerce. Trade is based on order, and there can be no order without law.

California should have her full corps of legislators in Congress to assist in the passage of laws favorable to our trade with the newly acquired territory. No State can be equal if not equally represented. California, therefore, demands her equal right of representation by the election at your hands of a United States Senator.

Upon the 18th of March, 1899, I addressed a message to you, in which, while calling your attention to this solemn duty, among other things, I used the following language, which is at this time equally true and much more significant:

"In view of the great territorial expansion westward in the Pacific Ocean, the commercial interests of this State are too vast and its political position too important to be now impaired by your failure to choose a National Representative. The power to select a United States Senator is vested in you by the Constitution, by the law, and by the people; and the people require at your hands the exercise of that high prerogative."

Through unhappy and hidden causes, you failed to heed my appeal on that occasion; and subsequent events have justified the fears which I then entertained, that the grand National Administration, under the guidance of our great President, might meet with some opposition from those who ought to be first to maintain our country's grandeur.

Already, with the fruits of a victorious war within our control, discordant voices are raised to obstruct our country's expansion.

The enemies of progress seek to sow the seeds of distrust. The retrogressive few struggle to oppose the Nation's majestic strides eastward and westward. Discarding the laws of civilization and rational evolution, these obstructionists would once more reduce (if they could) this magnificent empire to its original thirteen States.

America, proud of her prestige among nations, must go forward, not backward. The doctrine of the rights of man must be taught on the isles of the Orient. The flag which symbolizes these rights likewise symbolizes freedom; and no people above whom it floats can bear the shackles of the slave.

Our country has a moral as well as a material duty to perform respecting our newly acquired islands. It must unselfishly show to the people of the Philippines, of Guam, and of the other isles of the Pacific the virtue of American law and American liberty. Our Republic must be an exemplar through social and commercial contact. Our messengers of peace and civilization must educate the inhabitants of our new possessions in the industrial and mechanical arts, and in the best methods of agricultural development. The iron of war must be transformed into implements of husbandry. Racial hates must yield to American philanthropy, and crude and savage customs to American morality.

To achieve all this, we should have wise laws and prudent councilors. and Califor-

nia—the westernmost State of the Union, and the commercial gate for America's Oriental trade—is deeply concerned in this great and necessary work.

I am, therefore, conscientiously convinced that an essential step in this direction is the election of a United States Senator.

Being conscious of the rectitude of our purposes, no lurking assassin of character nor cowardly libeler need hope, for a single instant, to intimidate or sway us from the faithful discharge of our duty to our country and our State because of the dastardly menace of printed blackmail.

Unbiased by special predilections, undeterred by the ruthless and unfounded criticism of a few morning newspaper political bosses of pretended influence, ever ready and willing to sacrifice the welfare of their party, State, and Nation to the gratification of their own hates and ambitions, and to decry every honorable principle and deed opposed to their various schemes and personal aspirations, here you may meet in calm council to select some gentleman for the United States Senate unquestionably worthy of the high honor, whose ability and integrity can not justly be assailed, who is inspired with the splendid and progressive views of the President, and who, when elected, will unswervingly assist the National Administration in its magnificent governmental plan of extending American civilization and commerce to the new territory, where the American soldier and sailor have planted and maintained our country's flag.

HARBOR IMPROVEMENT.

In the second, third, and fourth grounds of the proclamation I have called your attention to needed legislation for the improvement of the harbor of San Francisco, wherein it is suggested that you pass amendments to Sections 2524 and 2527 of the Political Code, and also that you enact a law for the transfer to the San Francisco Depot Harbor Improvement Fund of the money now lying unused in the San Francisco Depot Sinking Fund.

The growing commercial necessities of the State require greater harbor facilities for the State's principal port at San Francisco, in order to meet the trade which has so greatly increased during the past year, and which is still further increasing.

The length of wharves now limited by said sections of the Political Code is inadequate to accommodate the shipping of the coast. By reason of this lack of wharfage space, the shipment of the large grain yields and other products of our State causes great expense to our merchants, and especially imposes extraordinary burdens upon the farmers throughout the State, by hampering their sales on account of delay in shipment arising from this condition.

The immediate demand for appropriate legislation in this direction may be better understood from the following petition received by me last December, and signed by the members and officers of the State Board of Harbor Commissioners, who are worthy and competent officers, and have at heart the interest of the State and the harbor of San Francisco, and are administering their office with skill and economy. Inasmuch as my distinguished and very able predecessor in office, Hon. James H. Budd, is the attorney for this Board, and the majority of the Board is Democratic, it is manifest that I should not be accused of Republican partisanship in this call for an extra session, since these gentlemen differing from me in politics join in their request for immediate legislation in behalf of the harbor to the many other urgent appeals of people who are best acquainted with and deeply interested in the commercial necessities of the port of San Francisco. The petition is as follows:

“BOARD OF STATE HARBOR COMMISSIONERS,
“OFFICE UNION DEPOT AND FERRY HOUSE,
“SAN FRANCISCO, CAL., December 13, 1899 } ”

“HON. HENRY T. GAGE, Governor of California, Sacramento, Cal.:

“DEAR SIR: The commercial community seem to be a unit on the proposition that the traffic by water to and from this port will, within the next two years, show an unprecedented increase. Already there is every indication that this expected large volume of commerce is gradually finding its way to San Francisco.

“For the past ten months, while our harbor facilities have been sufficiently ample to accommodate the shipping, it nevertheless required all the wharfage room at the disposal of this Commission to meet the requirements of the increased trade of the port during that period.

“It is a fact that there has been a scarcity of tonnage this season to move for export our grain crop. This fact is verified by the crowded condition at the present time of the large grain warehouses at tide-water at Port Costa, and the similarly crowded condition of the interior warehouses throughout the State. Vessels engaged in our export grain trade arrive at this port first with an inward cargo. Had the number of vessels arrived here during the last four months that the volume of our grain for export justified, it must be admitted that our harbor facilities would have been inadequate to meet the demands of the trade.

“In anticipation of a much larger volume of shipping to and from this port, the Board of State Harbor Commissioners have been earnest in their efforts to provide increased wharf accommodations, so that all vessels, foreign and domestic, entering our harbor shall be given prompt and convenient facilities to discharge their inward and load their outward cargoes with as quick dispatch as can be afforded elsewhere.

"Should the business of the port, however increase to such an extent as is now generally conceded that it will, legislation will be necessary to enable this Commission to accommodate the modern-built vessels with wharf facilities.

"The present outline of the San Francisco waterfront was arranged years ago, when the greatest length of vessels entering the port, was from 200 to 300 feet. At the time when these conditions existed, the Legislature by law (which is still in effect) prohibited the Harbor Commissioners from extending wharves out more than 600 feet from the bulkhead line, inasmuch as with the vessels then in service, four of them—two on each side—could be moored alongside of a wharf 500 or 600 feet in length. Vessels now afloat and being built in the shipyards of the world vary from 100 to 700 feet in length. Such vessels have been coming to this port, and their number will henceforward increase, and therefore it can readily be observed that our dockage room at wharves 600 feet in length and less has become minimized.

"The law should be so amended as to permit the extension of wharves out a distance of 800 feet from the bulkhead line, instead of 600 feet, as provided for by the present law. While this Commission hope to be able within the next twelve months to commence to build three new wharves of the most modern construction, at an estimated cost of \$180,000 for the three, and pay for the same from the revenues of the Board, yet it is quite certain that a greater number of new wharves, as well as other improvements, will be necessary, to keep pace with the trade heading this way.

"These improvements can not be undertaken by the Board until sufficient funds have been accumulated from the revenues, and to wait till then might possibly jeopardize the volume of shipping. To overcome this requires some enabling legislation, authorizing this Commission, whenever they find it necessary in order to provide for the construction or repairs of any work deemed necessary for the convenience of commerce, to pledge the revenue of such work for and during a period not exceeding five years from the date of such contract.

"No risk should be assumed in not being able to afford all necessary accommodations for any increased shipping that may come hither. Therefore, in view of the circumstances and conditions outlined herein this Board would respectfully petition you to convene the Legislature in extraordinary session, for the purpose of amending the law relating to the Board of State Harbor Commissioners, so as to enable said Board to provide additional harbor facilities for an increased trade in the port and harbor of San Francisco.

"Very respectfully,

"PARIS KILBURN,

"P. J. HARNEY,

"RUDOLPH HEROLD, JR.,

"Board of State Harbor Commissioners.

"WM. D. ENGLISH, Secretary.

"We concur:

"JAMES H. BUDD, Attorney for Board

"HOWARD C. HOLMES, Chief Engineer."

The immediate necessity for this legislation may be perceived, not only from such petitions, but also from the fact (not of unusual occurrence) that last Thursday there were no unoccupied berths for ships in the harbor of San Francisco, and twelve deep-water vessels were overdue.

The shipping interests of this State are dependent upon the proper improvement of its principal rivers and harbors, and where defect exist in our laws which are incompatible with new conditions arising from increasing trade, and greater development of our resources, it becomes a public duty to eliminate from our statute books those defects which are opposed to the progress of our State and the prosperity of our people. All the people of the State are vitally interested in the development of the San Francisco harbor. The fostering care of the State is a guaranty of the State's continued concern for the future of this great harbor. With the betterment of trade and enhanced business advantages of our coast cities, the condition of the interior of the State will be likewise improved. As a people we are interdependent, and a material impediment to the commercial progress of the City of San Francisco (which contains nearly one-fourth of the State's population) is a corresponding obstacle to the interests of other parts of this State. Above all, it is the right and duty of the State, and not of a municipality, to extend sovereign care and management over the navigable waters of the State. For the State to attempt to abandon that right and duty would be an effort to forego one of its most sacred functions.

The expressions of those who maintain that a municipality may control and direct an entire harbor and navigable waters because of proximity thereto, are frequently the inconsiderate utterances of those having private ambitions or who are influenced by sectional prejudices. The nourishing of such local jealousies can only result in injury to both city and State, for the interests of San Francisco are necessarily joined with those of the State at large, and through the moral aid of the people of that city and the sovereign care of the State, this splendid harbor is destined to be a source of wealth to all the people of California.

The sovereign control of the State over its navigable waters is a solemn trust held for the benefit of all the people, which the State can not absolutely resign in favor of municipalities. The language of the highest court of the nation in a recent case is decisive of this proposition, and that court has there defined the limits of local and private control as follows:

"A grant of all the lands under the navigable waters of a State has never been adjudged to be within the legislative power; and any attempted grant of the kind would be held, if not absolutely void on its face, as subject to revocation. * * * *The ownership of the navigable waters of the harbor and of the lands under them is a subject of public concern to the whole people of the State.*"

So again one of the learned Justices of the Supreme Court of this State, in considering a phase of this subject in a late case, tersely gave sanction to this view in the following words:

"Whatever power or sovereignty has been conferred upon the State to be exercised only for the benefit and in the interest of the entire people, can not be abdicated or surrendered to individuals, or exercised in favor of some to the detriment or disadvantage of others."

Nor is this position inconsistent with that taken by the court in the prevailing opinion in the same case, where it is said:

"No grant of lands covered by navigable waters can be made which will impair the power of a subsequent Legislature to regulate the enjoyment of the public right."

The sovereign right of the State to control its harbors, bays, and rivers, being a trust, held for the advantage of all the people of the State, the regulation of the San Francisco harbor, supervision of its wharves, and the collection and management of its tolls, is necessarily a matter of supreme concern to the State for the public weal.

Sections 1 and 2, Article XV, of the Constitution of this State, protect the public right of free navigation, and impose the duty upon the Legislature of enacting laws which will preserve to the whole people of the State access to the State's navigable waters.

No municipality nor other section can usurp this sovereign right, nor can any Act of the Legislature surrender the State's sovereign control. It is therefore evident that the matters called to your attention for the improvement of the harbor of San Francisco are of pressing general importance, and designed for the benefit of all the people of the State, and, were there no other reasons, would alone require this extraordinary session.

The amendments which I have suggested, if adopted by you, will afford adequate relief, and accomplish all that is necessary for the immediate improvement of the harbor, without levying taxes upon the people, or even necessitating the issuance of bonds.

PUBLIC WORKS.

The fifth reason specified in the proclamation for which I have called this extraordinary session is to pass a bill creating a Commissioner of Public Works, defining his powers and duties, and fixing his compensation.

A bill of this character passed both houses of the Legislature, and was on the last day of the Thirty-third Session presented to me for signature, duly signed by the President pro tem. of the Senate and the Speaker of the Assembly also, and duly certified to by the Secretary of the Senate and the Chief Clerk of the Assembly; and was by me approved three days thereafter, to wit: March 21, 1899. This Act is to be found on pages 157 and 158 of the Statutes of 1899.

After the approval of the Act my attention was called to certain irregularities in the passage of said Act, due perhaps to the necessary haste during the last days of the session; and upon an examination of the Journals of the Senate and Assembly I discovered the following facts: The Act as originally passed in the Senate allowed to the Commissioner the compensation of eighteen hundred dollars a year, and omitted the language expressed in Section 3 of the Act as it now appears in the Statutes.

The bill passed the Senate February 23, 1899 (Senate Journal, p. 834), and on March 7, 1899, was amended in the Assembly with the provisions which now appear, wherein, among other changes, an increased annual salary was allowed the Commissioner (Assembly Journal, pp. 1298 and 1299). As thus amended, the bill passed the Assembly March 14, 1899 (Assembly Journal, p. 1506). Subsequently, March 16, 1899, the Senate refused to concur in the Assembly amendments, and appointed a conference committee (Senate Journal, p. 1351), and on the same day the Assembly receded from the amendments, thereby consenting to the Senate bill as originally engrossed (Assembly Journal, p. 1595). On March 18, 1899, the bill as now printed was duly signed by the President pro tem. of the Senate and by the Speaker of the Assembly, and was certified to by the Secretary of the Senate and the Chief Clerk of the Assembly, and presented to me for signature. On the same day the bill, as so printed and presented to me, was reported to the Senate by the Chairman of the Senate Committee on Enrolled and Engrossed Bills as correctly enrolled, and presented for my approval (Senate Journal, pp. 1481 and 1482). Through some singular mishap, the bill thus presented contained all of the amendments which had been passed in the Assembly and from which that House had subsequently receded, and in that form received my approval. It is almost needless to add that it would be impossible for the Governor to follow in detail the entire course of every bill introduced in both houses during a session of the Legislature; and even if such examination were possible, the Governor would be necessarily obliged to rely upon the enrolled bills for the correctness of the bills when the same are duly signed and certified by the proper officers of the Senate and Assembly; for, of course, it could not be expected that the Governor should enter the printing office and do the work of both the compositors and enrolling committees.

As the bill now appears, it is at least an unsettled proposition of law, in the event of

litigation, whether the court would go behind the enrolled bill and consult the Journals of the Houses in an inquiry as to its legality. But at all events I am satisfied that the Act itself, owing to this misfortune, does not properly express the intention of the people acting through their representatives, and I have therefore called your attention to the defects in this most important legislation, so essential for the prosperity of the farmers and other citizens of the Sacramento and San Joaquin valleys, and to the business and property of the people of the various cities and towns along the Sacramento and San Joaquin rivers and their tributaries.

The necessity for the legislation suggested in the sixth ground of the proclamation is apparent from an examination of the Act relating to the Auditing Board of Public Works, approved March 17, 1897, which confines the work to be done by the Board and Commissioner to the insufficient plans embodied in the report of the Engineers accompanying the Report of the Commissioner of Public Works, dated November 15, 1896. Not only is the report of the Engineers ambiguous in its outline, but it was held, in the opinion of the Attorney-General rendered April 20, 1898, that neither the Auditing Board nor the Commissioner of Public Works could expend any part of the money appropriated for the improvement of the Sacramento and San Joaquin rivers above the mouth of the Feather River. In consequence of this condition of the law, not only are thousands of acres of valuable and productive land in Yolo, Sutter, and Yuba and other counties imperiled, but the inability to perform such work above the mouth of the Feather River results in serious detriment to work already done upon the Sacramento River. In the report of the Auditing Board and Commissioner of Public Works made to Governor Budd, December 1, 1898, it was recommended that the jurisdiction of the Board and of the Commissioner should be extended. The Commissioner on page 7 of his report says

"As the law now stands, the money appropriated can only be expended on the San Joaquin and on the Sacramento River from the mouth of the Feather to Suisun Bay. The expenditure of a very moderate amount on the Feather River, and on the Sacramento above the mouth of the Feather, would vastly improve the navigability of both, and incidentally afford protection to a large area of fertile country."

When we consider that the Federal Government has already appropriated large sums of money for the construction of restraining barriers and other improvements on the Sacramento and Feather rivers, and has now able engineers engaged in the work under the Secretary of War, pursuant to the Act of Congress creating the California Debris Commission, it would be only the exercise of good faith on the part of this State, apart from the incalculable benefit to our people, to cooperate with the Federal Government in the work of improvement in directions which are not allowed to the United States engineers under said Act of Congress.

REPEAL OF WIDE-TIRE LAW.

The seventh subject specified in the proclamation requiring legislation is the repeal of the Act approved March 20, 1897, regulating the width of wagon tires to be used on the public highways. The Act is very artfully drawn, and contains provisions of doubtful constitutionality. Independent of such criticisms, it is wholly unsuited for the purposes sought to be attained, and will if attempted to be enforced cause trouble and distress to thousands of farmers, tradesmen, and other people using wagons within this State.

My attention has been called by the Highway Commissioner to various and confusing errors in the law itself, which are of such a character that I am positively informed that compliance with the terms of the law by either wagon users or manufacturers is an impossibility.

As the Act itself makes non-compliance with the law a crime, and punishable by fine and imprisonment, the continuance of such a law on our statute books would be a great wrong to the people.

REPEAL OF MINING LAWS

I have recommended in the eighth ground of the proclamation a substantial re-enactment of the Act approved March 20, 1899, repealing the State Mining Act, approved March 27, 1897, in order to obviate the misconstruction of the repealing Act of 1899, and to avoid possible litigation, owing to a clerical error which crept into the first section of the Act

LAND FEUDS.

The object of the amendments proposed in the ninth and tenth grounds of the proclamation is of vast importance, and had this remedy been given which is suggested in the tenth ground, many thousands of acres of valuable State land would not have been permitted during the last few years to pass under the control of land rings at a value of \$1 25 per acre, to be at once resold by them at prices ranging from \$4 and upward per acre.

Until proper amendments are made to the laws relating to our public land, power should be vested in the Governor to withdraw from sale the school lands which are now being used as scrip to take the place of the Valentine and Porterfield scrip.

One of the principal objects of the sale by the State of its public lands to private persons is to encourage its actual settlement and cultivation, and when the intention of our statutes is so perverted through the pernicious schemes of land jobbers, it

becomes the high and solemn duty of the legislators to prevent such frauds for the protection of the people.

Owing to the Act of Congress directing the President to set apart forest reserves upon the public domain of the United States, various reserves covering large tracts of valuable timber and other lands belonging to the State in 16th and 36th sections have been placed within the boundaries of these reserves. As the title to these school sections still remained in the State, they were subject to entry and sale under our State laws, notwithstanding that they fall within the boundaries of the proclaimed reserves.

In the Act of Congress dated June 4, 1897 (Vol. 30, U. S. Statutes, page 36), the following provision is made for the benefit of actual settlers and owners of land within these reserves, allowing a relinquishment of their titles to the United States:

"That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of a public forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing the patent to cover the tract selected; *provided further*, that in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, and so forth, are complied with on the new claims, credit being allowed for the time spent on the relinquished claims."

This provision of the United States statute, together with the condition of our own laws, has been used by the land ring for their own selfish and unlawful purposes.

Immediately after the proclamation by the President of a forest reserve within this State, applications for State school land within such reserve have been filed, and immediately sold as scrip by local dealers, as well as by dealers in other States, at prices ranging as high as \$5 per acre, whereas the State can only receive \$1.25 per acre. The land attorneys secure the relinquishment of the entryman or his assignee to the United States, and file application for other public lands of the United States, even outside of the State of California.

In cases where the State school lands within the reserves have been patented, the dealers secure under said Act of Congress patents to other lands which they have located.

By reason of this privilege afforded by the United States statutes and our own laws, the school lands within the forest reserves are greatly increasing in value, and much of the land has been cornered by the land attorneys, and is now advertised and sold as scrip.

If the State is obliged to part under the existing laws with its school lands within these reserves, so that it likewise loses the taxes which would be paid by an actual settler, in the absence of the ability of the State's officers to detect and discriminate between fraudulent and bona fide land claims, then the people of the State should reap the benefit from the advanced value of such lands which now go to the land jobbers, by authorizing the Governor to withdraw such land from sale at the minimum price, and to sell the same at an increased price according to its value. Although many thousands of acres of land have already been lost to the State, I believe it to be absolutely and immediately necessary to call for the relief which I have proposed in the proclamation.

To provide against this great fraud upon the State, it would have been my duty to convoke you in extraordinary session had no other reason existed, for it is estimated that hundreds of thousands of dollars would be thereby gained for the State.

STATE LUNACY LAW.

In the eleventh ground of the proclamation your attention has been called to the repeal of Section 19 of the Act to establish a State Lunacy Commission, approved March 31, 1897, and in the thirteenth ground I have advised the amendment to said State Lunacy Law so as to empower the Commission to fix the salaries of all officers and employes. The necessity for this change in the law will be apparent from the recent experience of the present State Lunacy Commission. This Commission a short time ago deemed it necessary for the proper and economical management of the several State Hospitals for the Insane to make a reduction in the salaries of officers and employes which would create a saving to the State of over \$20,000 each year, and at the same time the said officers and employes would be amply compensated. Despite the Commission's efforts to economically administer the affairs of the State Hospitals, their praiseworthy purpose was impeded by some of the officers of the institution through menace of litigation, the said officers contending that Section 19 of the Act of 1897 (notwithstanding the amendments of the Act approved March 21, 1899) deprived the Commission of the power of making this reduction. To avoid possible litigation as to the proper construction of the State Lunacy Commission's powers, I have requested you to rectify the ambiguity, for I have no doubt that in passing the amendments at the last session of the Legislature your intention was to vest in the Lunacy Commission full power to regulate the salaries of officers and employes. If this power be vested in the present Lunacy Commission, it will save the people of the State more than \$20,000 annually for years to come.

AUTHORITY TO REMOVE APPOINTEES FOR CAUSE.

In the twelfth and fourteenth grounds of the proclamation I have suggested that the Governor be granted the power to remove for cause officers appointed for definite terms, and in the fifteenth ground I have advised that the power be likewise vested in the Governor of temporarily suspending for cause confirmees of the Senate. In thus requesting this necessary authority I have not harbored a single partisan thought nor desired such power for any political purpose, but my sole desire was that the responsibility which is laid upon the Governor by the people should not be hampered through his utter helplessness to remove officers who misbehave themselves in office to the detriment of the public, or who may be even guilty of crime. If the Governor is to be held responsible to the people, and if the party which nominated and elected him is to be held likewise responsible to the electors for the Governor's conduct of State affairs, he should be invested with power commensurate with that responsibility. Personally I would prefer, were I not bound by my sacred oath of office, to be shorn of the responsibility for acts of others, and would not desire even that the power of appointment to office should rest with me, for among the most painful and trying duties of office have been those when I have been ceaselessly importuned and entreated to grant positions to worthy but rival candidates.

The appalling scandals at the Agnews State Hospital, which were revealed during several investigations of that institution, were of a character to show that the public welfare requires that full and summary power should be given the Governor to rectify as far as possible such infamous wrongs. Under the present condition of the law an officer once appointed for a definite term may be guilty of crime, continually dishonor his office, and enjoy the fruits of his malfeasance by resorting to the courts to defend his crimes. To illustrate the very limited authority vested in the Governor, I will state that a few months ago serious crimes were charged against an officer now holding the same State office, and a petition was forwarded to me by one of the members accusing him in direct language with flagrant crimes. Knowing that the power was not given me to investigate the charges, and if true, to right the wrong by removal of the officer, in order to silence a hostile press which had used this incident for political and personal ends, I requested the opinion of the Attorney-General, who replied in writing assuring me of my utter inability to remove any appointed officer whatever who held office for a definite term.

No spirit of partisanship has actuated me in this reasonable request for authority to remedy wrongs, but I am guided altogether by a wish to fully serve the people of the State and to protect them from the misdoings of any officer without regard to political creed.

My distinguished predecessor in office, Hon. James H. Budd, who holds opposite political views, in his inaugural address called the attention of the Legislature to the necessity of granting the Governor this power of removal in the following very proper words:

"If the Governor is to be held responsible for the conduct of the departments whose incumbents he names, he should have the control of those functionaries. In this State we should either have a system of continuous tenure during good behavior, as under the civil service classification of the General Government, or else the appointing power, which, in the public mind, is held responsible for the conduct of the appointee, should be vested with authority to remove the appointee, in the language of the Constitution, 'for misconduct, incompetence, or neglect of duty, after an opportunity to be heard on written charges.'"

Again, in his first biennial message to the Legislature in 1897, the Governor, with the experience of two years in office, repeated these words, and urged the Legislature to pass a law of that character.

Still again, Governor Budd, on the very eve of his departure from office, when he could not possibly be benefited by the passage of such laws, unselfishly requested the Legislature to grant to the Governor this very necessary authority. If the Governor of this State is to be made the target where crimes are committed by appointees holding office for a definite term, it is but just that he should be equipped with the power to remove the guilty officer. No Governor could be found who would dare to misuse this solemn trust when once reposed in him by the people's representatives.

CONCLUSION.

The foregoing are some of many reasons which I hold in support of the grounds specified in the proclamation convening you in extraordinary session.

It is to be deplored that there are a few persons who, by reason of their own unworthy motives, attribute to me improper political purposes in assembling you together, whereas, in truth and in fact, I have merely obeyed the promptings of impartial duty and the mandates of the law.

If you shall conclude to pass the various laws suggested in the proclamation, there will thereby be saved to the State sums of money largely in excess of the expenditures which will be incurred on account of convoking this Legislature, even should the cost thereof exceed the high estimates of those who—false to the interests of their country—have bitterly assailed this call for an extra session.

Whether or not you differ from me as to the necessity of legislation in detail upon all of the topics suggested for legislation is to me unimportant, only as it affects our com-

mon country, for the responsibility now rests with your honorable body and not with me alone.

You will nevertheless agree that your duty absolutely requires that the business of the session be transacted with the utmost dispatch consistent with the gravity of the subjects involved.

Despite the malignant predictions, which through private malice have been published, that this extraordinary session would engulf the State in vast expense, my confidence in your sense of duty and in your ability, gained by a personal knowledge of your conduct of legislative affairs during the thirty-third session, bids me trust that this extraordinary session will be unexcelled in the history of the State, and worthy of future emulation.

Irrespective of your political views I believe in your honor, I believe in your ability, I believe in your integrity; and inspired by these beliefs I am assured that the duties which you owe to the people of the State and Nation will be economically, honestly, and ably performed.

HENRY T. GAGE,
Governor of the State of California.

At six o'clock and ten minutes P. M. Senator Flint moved that the Senate do now withdraw and return to the Senate chamber.

So ordered.

IN ASSEMBLY.

ADJOURNMENT.

At six o'clock and fifteen minutes P. M., on motion of Mr. Johnson, the Assembly adjourned to eleven o'clock A. M. of Tuesday, January 30, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 30, 1900. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancey, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milhee, Miller of Los Angeles, Miller of San Francisco, Muenter, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

Pending the reading of Monday's Journal, the further reading was dispensed with, on motion of Mr. Wade.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

Resolved, That the Clerk be and he is hereby instructed to have 1,000 copies of the message of the Governor printed for the use of the Assembly.

Adopted.

SUSPENSION OF REGULAR ORDER OF BUSINESS.

Mr. Dibble moved that the regular order of business be suspended, and that the Assembly do now consider the report of the Special Committee on Officers and Attachés of the Assembly.

So ordered.

REPORT OF SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1900.

MR SPEAKER: We your Committee on Attachés respectfully submit the following report:

In addition to the officers and attachés already appointed in pursuance of a resolution, this day adopted, we recommend the creation of the following offices, and that the same be filled by the respective persons herein named:

Chaplain	Rev W. C. Evans.
Clerk to Committee on Rules and Regulations	L. A. Hilborn.
Assistant Engrossing and Enrolling Clerk	H. A. Wright.
Bill Filer	S. G. Bailey.
Page to Speaker	F. J. Swears.
Page	C. H. Brennan.
Page	Wendall Farrar.
Page	R. M. Rogers.
Page	Ralph Schluer.
Page	W. W. Benchley.
Page	William Saunders.
Gatekeeper	G. W. B. Yocom.
Gatekeeper	H. H. Squires.
Gatekeeper	H. C. Crane.
Gallery Doorkeeper	Henry Thomson.
Messenger to Printer	A. J. McDonald.
Bill Clerk	W. A. Price.
Clerk to Committee on Ways and Means	H. F. Bridges.
Clerk to Committee on Judiciary	E. J. Dwyer.
Stenographer	H. de Laguna.
Stenographer	Ethel Thomas.
Stenographer	M. F. Giles.
Porter	John Costre.
Porter	J. M. Vena.
Porter	George Ashley.
Rear Porter	James Drew.
Porter to Cloak Room	W. S. Reyner.
Watchman	E. M. Brock.
Watchman	J. Pinkard.
Watchman	Eugene Warren.
Fireman	J. L. Mayne.
Sergeant-at-Arms to Committee on Ways and Means	G. Kimberly.
Sergeant-at-Arms to Committee on Judiciary	Geo. Dougherty.
Engineer	C. Wright.
Electrician	T. W. Measure.
Janitress	Mrs. J. Stokes.
Elevator Attendant	R. Woolf.

We further recommend that the chairmen of the several committees which may be designated by the Assembly to act hereafter, except those for which attachés have been hereinbefore provided, shall select their clerks, when deemed necessary.

We further recommend the adoption of the following resolution:

Resolved, That all attachés and employés whose names do not appear in the above report or in the resolution which was adopted yesterday, informing the Senate of the organization of the Assembly, are hereby dismissed and their names stricken from the pay roll.

RAUR, Chairman.
BELSHAW.
KENNEALLY.
MERRITT.
WHITE.

The report was adopted.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

Resolved, That the Sergeant-at-Arms of the Assembly be directed to place in his office a Sunset and a Capital telephone for the use of the Members of the Assembly.

Adopted.

REPORT OF STANDING COMMITTEE.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1900.

MR. SPEAKER: Your Committee on Rules and Regulations ask leave to report the following resolutions:

Resolved, That the several subjects of legislation included in the proclamation of the Governor convening the Legislature in extraordinary session, which said subjects are more fully discussed in the message of the Governor to the Legislature, be distributed to the Committees of the Assembly for consideration, as follows:

First—That the matters mentioned in the second, third, and fourth subdivisions of said proclamation, relating to the harbor of San Francisco, be referred to the Committee on Commerce and Navigation;

Second—That the matters referred to in the fifth and sixth subdivisions of said proclamation, relating to river improvements, be referred to the Committee on Swamp and Overflowed Lands and River Improvements;

Third—That the matters referred to in the seventh subdivision of said proclamation, relating to the repeal of the Wagon Tire Law, be referred to the Committee on Roads and Highways;

Fourth—That the matters referred to in the eighth subdivision of said proclamation, relating to the repeal of a certain Act prescribing the manner of locating mining claims, be referred to the Committee on Mines and Mining;

Fifth—That the matters referred to in the ninth and tenth subdivisions of said proclamation, relating to the powers of the Governor in respect to the public lands, be referred to the Committee on Judiciary;

Sixth—That the matters referred to in the eleventh, twelfth, and thirteenth subdivisions of said proclamation, relating to the government and control of the State Hospitals for the Insane, etc., be referred to the Committee on State Hospitals and Asylums;

Seventh—That the matters referred to in the fourteenth and fifteenth subdivisions of said proclamation, relating to the power of the Governor to remove and suspend certain public officers, be referred to the Committee on Judiciary;

Be it further resolved, That the committees to which these matters are as hereinabove committed, be instructed to immediately report the several bills for the consideration of the House.

Resolved, That the Committee on Mileage be instructed to at once report to the House the amount of mileage due to the members of the Assembly, according to Part II, Title III, of the Political Code, and also to report the amount of mileage due the officers of the House, according to Section 237 of the Political Code.

DIBBLE, Chairman.

Adopted.

RESOLUTION—(OUT OF ORDER).

By Mr. Dibble:

Resolved, That the Sergeant-at-Arms be instructed to immediately furnish the several Stenographers of the Assembly with desks and typewriters, and such other accommodations as they will require.

Adopted.

RECESS.

At eleven o'clock and fifty minutes A. M., on motion of Mr. Dibble, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Anderson in the chair.

RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

Resolved, That each member of the Assembly be and he is hereby allowed twenty-five dollars (\$25) for contingent expenses, as provided by law, payable out of the appropriation for the contingent expenses of the Assembly; and that the aggregate amount of the value of the stamps and stationery which any member shall draw on requisition from the Secretary of State shall be charged to his account as a part of his allowance hereby made.

Adopted.

INTRODUCTION OF BILLS.

The following bills were introduced, read first time, and referred to committees, as follows:

By Mr. Johnson: Assembly Bill No. 1—An Act to amend Section 3494 of the Political Code of the State of California.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 2—An Act to add a new section to the Political Code of the State of California, to be known as Section 3494½, relating to the suspension and sale of the lands of the State.

Read first time, and referred to Committee on Judiciary.

By Mr. Belshaw: Assembly Bill No. 3—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Melick: Assembly Bill No. 4—An Act to regulate the width of tires of wagons to be used on the public highways of the State of California.

Read first time, and referred to Committee on Roads and Highways.

By Mr. Dunlap: Assembly Bill No. 5—An Act to amend Section 2524 of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 6—An Act to amend Section 2527 of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

Read first time, and referred to Committee on Commerce and Navigation.

By Mr. Raub: Assembly Bill No. 8—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

Also: Assembly Bill No. 9—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Read first time, and referred to Committee on Swamp and Overflowed Lands.

MOTION.

Mr. Johnson moved that one hundred and fifty extra copies of Assembly Bills Nos. 8 and 9 be printed.

So ordered.

RECESS.

At two o'clock and fifty minutes P. M., on motion of Mr. Dibble, the Assembly took a recess until three o'clock and five minutes P. M.

REASSEMBLED.

At three o'clock and five minutes P. M., the Assembly reconvened. Speaker Anderson in the chair.

By Mr. Johnson:

RESOLUTION.

Resolved, That requisitions on the Secretary of State for stationery be limited to twenty dollars each for all standing committees to which business has been assigned. All requisitions to be signed by the chairman of the committee.

Adopted.

LEAVE OF ABSENCE.

Mr. Johnson moved that Mr. Boone be granted leave of absence until Monday next.

So ordered.

ADJOURNMENT.

At three o'clock and eight minutes P. M., on motion of Mr. Dibble, the Assembly adjourned until eleven o'clock A. M. of Wednesday, January 31, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 31, 1900. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan,

Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Keneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenster, O'Brien, Pierce, Radchiff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING AND APPROVAL OF JOURNAL.

On motion of Mr. Works the further reading of the Journal of Tuesday, January 30, 1900, was dispensed with.

The Journal of Monday, January 29, 1900, was read and approved.

INTRODUCTION OF BILLS.

The following bills were introduced, read first time, and referred to committees, as follows:

By Mr. Johnson: Assembly Bill No. 10—An Act to provide for the removal by the Governor of all officers and commissioners appointed by the Governor, whose terms of office are not fixed by the Constitution.

Read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 11—An Act to provide for the suspension for cause by the Governor of officers or commissioners appointed by the Governor and confirmed by the Senate.

Read first time, and referred to Committee on Judiciary.

By Mr. Mack: Assembly Bill No. 12—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Read first time, and referred to Committee on Mines and Mining.

By Committee on Ways and Means: Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

Read first time, ordered on second-reading file, and made special order for February 1, 1900, immediately after the reading of the Journal.

Also: Assembly Bill No. 14—An Act making an appropriation for contingent expenses of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read first time, ordered on second-reading file, and made special order for February 1, 1900, immediately after the reading of the Journal.

Also: Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read first time, ordered on second-reading file, and made special order for February 1, 1900, immediately after the reading of the Journal.

Also: Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read first time, ordered on second-reading file, and made special order for February 1, 1900, immediately after the reading of the Journal.

. MOTION.

Mr. Valentine moved that the bills introduced by the Committee on Ways and Means be made the special order for Thursday, February 1, 1900, immediately after the reading of the Journal.

So ordered.

RESOLUTIONS.

By Mr. Robinson:

Resolved, That J. F. Robinson be and is hereby appointed Assistant Minute Clerk in the place of A. P. Johnston; such to date from January 29, 1900.

Adopted.

By Mr. Cosper:

Resolved, That W. C. Guirey be and he is hereby appointed File Clerk at the same rate per diem as is paid the assistant clerks at the desk. And the Controller of State is hereby directed to draw his warrant in favor of said W. C. Guirey, and the State Treasurer is hereby directed to pay said warrant out of the appropriation for the contingent expenses of the Assembly.

Lost.

By Mr. De Lancie:

Resolved, That the office of File Clerk be filled by the reappointment of John Mott. Also, that the office of History Clerk be filled by the reappointment of M. J. Colnan. Also, that Frank Armstrong be reappointed as assistant to Bill Clerk.

MOTION.

Mr. Valentine moved to lay the resolution by Mr. De Lancie on the table.

So ordered.

ADJOURNMENT.

At eleven o'clock and forty minutes A. M., on motion of Mr. O'Brien, the Assembly adjourned until eleven o'clock A. M. of Thursday, February 1, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 1, 1900. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment.
Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Mihce, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING AND APPROVAL OF JOURNAL.

Pending the reading of the Journal of Wednesday, January 31, 1900, the further reading was dispensed with, on motion of Mr. Wade.

The Journal of Tuesday, January 30, 1900, was read and approved.

SPECIAL ORDERS.

Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

Read second time.

Assembly Bill No. 14—An Act making an appropriation for contingent expenses of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read second time.

Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read second time.

Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read second time.

MOTION.

Mr. Valentine moved that the Assembly resolve itself into Committee of the Whole, with Speaker Anderson in the chair, for the purpose of considering Assembly Bills Nos. 13, 14, 15, and 16.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Anderson in the chair.

Assembly Bills Nos. 13, 14, 15, and 16 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Anderson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1900.

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

Also: Assembly Bill No. 14—An Act making an appropriation for contingent expenses of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

And do now report the same back, and recommend that they do pass

Also: Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year

Also: Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

And do now report the same back with amendments, and recommend that they do pass as amended.

ANDERSON, Chairman

RESOLUTION OF URGENCY.

By Mr. Valentine:

Resolved, That Assembly Bills Nos. 13 and 14 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bills shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bills be read the third time and placed upon their final passage

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Dale, De Lancey, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hantley, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Miller of Los Angeles, Miller of San Francisco, Muenter, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—70

NOES—None

MOTION.

Mr. Johnson moved that the consideration of Assembly Bills Nos. 13, 14, 15, and 16 be made special order immediately after assembling for afternoon session.

So ordered.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read first time, and referred to committees, as follows:

By Mr. Sanford: Assembly Bill No. 17—An Act to amend Section

2524 of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Read first time, and referred to Committee on Commerce and Navigation.

By Committee on Roads and Highways: Assembly Bill No. 18—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

Read first time, and referred to Committee on Judiciary.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Dibble:

Resolved, That the Chief Clerk be directed to have a file of the business of the House printed from day to day.

Adopted.

Also:

Resolved, That the Sergeant-at-Arms be directed to prepare and reserve the Assembly Chamber for the use of the Republican Senatorial caucus this evening.

Adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1900.

MR. SPEAKER: Your Committee on Roads and Highways respectfully requests that the accompanying bill—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California—be referred to the Committee on Judiciary, for report, and this Committee (Roads and Highways) respectfully reports that the same do pass.

MELICK, Chairman

RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Mr. Crowley, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Anderson in the chair.

SPECIAL ORDER.

Mr. Johnson moved the adoption of the report of the Committee of the Whole on Assembly Bills Nos. 13, 14, 15, and 16.

So ordered.

Assembly Bills Nos. 13 and 14 were considered engrossed and ordered to third reading.

Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brown, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Dale, De Lancia, Devoto, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Lardner, Lund-

quist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—67.
NOES—None

Title read and approved.

Assembly Bill No. 14—An Act making an appropriation for the contingent expenses of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Dale, De Lancie, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—67.
NOES—Mr. Cargill—1.

Title read and approved.

Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Mr. Brown offered the following amendment:

Amend Section 1 by striking out, in line 3, the following words: "eleven thousand three hundred and fifty-eight," and inserting in lieu thereof the words "forty thousand."

Mr. Melick moved to amend the amendment as follows:

Strike out the word "forty" and substitute the word "seventeen."

The question being on the adoption of the amendment to the amendment.

The roll was called, and the same lost by the following vote:

AYES—Messrs. Burnett, Cargill, Clough, Cobb, Conrey, Cosper, Dale, Devoto, Dibble, Dunlap, Huber, Knights, Le Baron, Lardner, Marvin, Melick, Muentner, Pierce, Rickard, Eugene Sullivan, Valentine, Wade, and Mr. Speaker—23.

NOES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Clark, Cowan, Crowder, De Lancie, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Johnson, Kelley, Kelsey, Kenneally, Knowland, La Barea, Lundquist, Mack, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, O'Brien, Radcliff, Raub, Raw, Robinson, Sanford, Stewart, E. D. Sullivan, Wardell, White, and Works—51.

The question being on the adoption of the original amendment to Assembly Bill No. 15.

Messrs. Dibble, Valentine, and Melick demanded the ayes and noes.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Clark, Cosper, Cowan, De Lancie, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Lundquist, Mack, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of

San Francisco, O'Brien, Radcliff, Raub, Raw, Robinson, Sanford, Stewart, E. D. Sullivan, Wardell, White, and Works—53.

NOMS—Messrs. Cargill, Clough, Cobb, Conrey, Crowder, Dale, Devoto, Dibble, Dunlap, Le Baron, Lardner, Marvin, Mehek, Merrill, Muentner, Pierce, Rickard, Eugene Sullivan, Valentine, Wade, and Mr. Speaker—21.

Assembly Bill No. 15 ordered to print, engrossment, and third reading.

Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Mr. Works moved to amend as follows :

Amend by striking out of line 3, the words "three thousand four hundred," and inserting in lieu thereof the words "eight thousand."

Amendment adopted.

Assembly Bill No. 16 ordered to print, engrossment, and third reading.

REPORT OF COMMITTEE ON MILEAGE.

Mr. Greenwell submitted the report of the Committee on Mileage.

Mr. Robinson moved that the report of the Committee on Mileage be re-referred to Committee on Mileage.

So ordered.

MOTION.

Mr. Valentine moved that the Assembly do now consider messages from the Senate.

So ordered.

SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, February 1, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read first time, and referred to Committee on Ways and Means.

Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read first time, and referred to Committee on Ways and Means.

MOTION TO ADJOURN.

At three o'clock and twenty-five minutes P. M., Mr. Dibble moved that the Assembly do now adjourn until eleven o'clock A. M. of Friday, February 2, 1900.

Motion lost.

RECESS.

Mr. Johnson moved that the Assembly take a recess until three o'clock and thirty-five minutes P. M.

So ordered.

REASSEMBLED.

The Assembly reconvened at three o'clock and thirty-five minutes P. M. Speaker Anderson in the chair.

BILLS MADE SPECIAL ORDER.

Mr. Johnson moved that Assembly Bills Nos. 15 and 16 be made the special order for to-morrow morning, immediately after the reading of the Journal.

So ordered.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until ten o'clock and thirty minutes A. M. of Friday, February 2, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER, }
Friday, February 2, 1900. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names :

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowly, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—77.

Quorum present.

READING AND APPROVAL OF JOURNAL.

Pending the reading of the Journal of Thursday, February 1, 1900, the further reading was dispensed with on motion of Mr. Wade.

The Journal of Wednesday, January 31, 1900, was read and approved.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read first time, and referred to committee, as follows:

By Mr. Wade: Assembly Bill No. 19—An Act to repeal Section 19 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of money and properties," approved March 31, 1897.

Read first time, and referred to Committee on Hospitals and Asylums.

RESOLUTION.

By Mr. Raub:

Resolved, That whereas, in the report of the Committee on Attachés, the name of Emmett Rhodes was inadvertently omitted, be it now resolved that said Emmett Rhodes be appointed a Page of this Assembly, said appointment to date from and including January 29, 1900.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Conrey, Cosper, Crowder, Dale, Dibble, Dunlap, Fairweather, Feliz, Glenn, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Milice, Miller of Los Angeles, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Sanford, Eugene Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—59.

NOES—Mr. De Lancia—1.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

VALENTINE, Chairman.

SUSPENSION OF RULES.

Mr. Valentine moved that the rules be suspended and that the Assembly proceed to the consideration of Senate Bills Nos. 8 and 9.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read second time.

Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read second time.

MOTION.

Mr. Valentine moved that the Assembly resolve itself into Committee of the Whole, with Speaker Anderson in the chair, for the purpose of considering Senate Bills Nos. 8 and 9.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Anderson in the chair.

Senate Bills Nos. 8 and 9 were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Anderson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

And do now report the same back, and recommend that they do pass.

ANDERSON, Chairman.

Report of committee adopted.

RESOLUTION OF URGENCY.

By Mr. Valentine:

Resolved, That Senate Bills Nos. 8 and 9 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that a bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that each of said bills be read the second and third times, and placed upon its passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Dale, De Lancie, Dibble, Dunlap, Fairweather, Feliz, Glenn, Henry, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—66.

NOES—None.

THIRD READING OF BILLS.

Senate Bill No. 8—An Act making an appropriation to pay the per diem and mileage of the Lieutenant-Governor and Senators for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brown, Burnett, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Dale, De Lancie, Fairweather, Feliz, Glenn, Hanley, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meserve, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Senate Bill No. 9—An Act making an appropriation for the pay of officers and clerks of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Cobb, Cosper, Cowan, Crowder, Dale, De Lancie, Dunlap, Fairweather, Feliz, Glenn, Hanley, Hoey, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meserve, Milce, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, and Mr. Speaker—65.

NOES—None.

Title read and approved.

RECESS.

At eleven o'clock and twenty-five minutes A. M., Mr. Belshaw moved that the Assembly take a recess until eleven o'clock and thirty minutes A. M.

So ordered.

REASSEMBLED.

The Assembly reconvened at eleven o'clock and thirty minutes A. M. Speaker Anderson in the chair.

The Speaker called Mr. Belshaw to the chair at eleven o'clock and thirty-five minutes A. M.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

RICKARD, Chairman.

MOTION.

Mr. Johnson moved that the Assembly do now consider Assembly Bills Nos. 15 and 16.

So ordered.

Mr. Brown moved that a select committee of one be appointed to amend Assembly Bill No. 15, as follows:

Strike out of Section 1, line 3, the words "forty thousand," and insert in lieu thereof the words "twenty-three thousand two hundred."

So ordered.

Mr. Brown was appointed as such select committee.

Mr. Dibble moved as a substitute that the committee be instructed to amend by inserting the words "eleven thousand three hundred and fifty-eight."

Lost.

REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—with instructions to amend, now reports that the instructions of the Assembly have been carried out.

BROWN, Committee.

Report adopted.

Assembly Bill No. 15 ordered to print, re-engrossment, and third reading.

Mr. Brown moved that a select committee of one be appointed to amend Assembly Bill No. 16, as follows:

Strike out of Section 1, line 3, the words "eight thousand" and insert in lieu thereof the words "five thousand three hundred."

So ordered.

Mr. Brown was appointed as such select committee.

REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—with instructions to amend, now reports that the instructions of the Assembly have been carried out.

BROWN, Committee.

Report adopted.

Assembly Bill No. 16 ordered to print, re-engrossment, and third reading.

MOTION.

Mr. Johnson moved that Assembly Bills Nos. 15 and 16 be immediately transmitted to the printer, with instructions to print out of order.

So ordered.

RECESS.

At twelve o'clock M., on motion of Mr. Dibble, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Anderson in the chair.

REPORT OF STANDING COMMITTEES.

ON MILEAGE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

MR. SPEAKER: Your Committee on Mileage, to whom was re-referred their report of February 1, 1900, report that they have computed the mileage according to Part II, Title III, and Section 237 of the Political Code, and after interviewing each member living away from his respective county seat, recommend the adoption of the resolution herewith.

Resolved, That the State Controller be and is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named officers and members of the Assembly for the amount set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay the same:

Name.	Residence.	Miles.	Amt
1—Jilson, C. B.	Hornbrook	600	\$80 00
2—Marvin, G. D.	Blue Lake	664	66 40
3—Boynton, O. H.	Ferndale	664	66 40
4—La Barea, W. H.	Weaverville	434	43 40
5—Beecher, J. H.	Anderson	334	33 40
6—Clough, G. G.	Quincy	272	27 20
7—De Lancie, R. B.	Oroville	156	15 60
8—Raub, C. G.	Meridian	140	14 00
9—Sanford, J. B.	Ukiah	410	41 00
10—Glenn, F. B.	Jacinto	222	22 20
11—Pierce, G. W.	Davisville	26	2 60
12—Robinson, W. S.	Grass Valley	134	13 40
13—Lardner, W. B.	Auburn	74	7 40
14—Raw, R. S.	Placerville	122	12 20
15—Caminetti, A.	Jackson	118	11 80
16—Le Baron, H. M.	Valley Ford	302	30 20
17—Cowan, W. F.	Santa Rosa	282	28 20
18—Wade, O.	Napa	182	18 20
19—Anderson, A.	Suisun	80	8 00
20—Johnson, G. L.	Sacramento	—	—
21—Knights, W. D.	Sacramento	—	—
22—Brooke, M.	Oak Park	10	1 00
23—Atherton, J. W.	Novato	204	20 40
24—Belshaw, C. M.	Antioch	178	17 80
25—Dunlap, F. E.	Stockton	96	9 60
26—Muenster, A. E.	Lathrop	120	12 00
27—Blood, H. S.	Angels	166	16 60
28—Hoey, L.	San Francisco	168	16 80
29—Kenneally, C. F.	San Francisco	168	16 80
30—Devoto, L. A.	San Francisco	168	16 80
31—O'Brien, D. S.	San Francisco	168	16 80
32—Hanley, J. M.	San Francisco	168	16 80
33—Sullivan, E. D.	San Francisco	168	16 80
34—Crowly, J. J.	San Francisco	168	16 80
35—Cobb, W. H.	San Francisco	168	16 80
36—Merrill, A. H.	San Francisco	168	16 80
37—White, W. E.	San Francisco	168	16 80
38—Rickard, W. H.	San Francisco	168	16 80
39—Wardell, J. H.	San Francisco	168	16 80
40—Miller, H. W.	San Francisco	168	16 80
41—Dibble, H. C.	San Francisco	168	16 80
42—Henry, L. A.	San Francisco	168	16 80
43—Lundquist, F.	San Francisco	168	16 80
44—Barry, M. H.	San Francisco	168	16 80
45—Sullivan, Eugene	San Francisco	168	16 80
46—McDonald, W.	Livermore	222	22 20
47—Knowland, J. R.	Alameda	192	19 20
48—Kelley, J. M.	Oakland	182	18 20
49—McKeen, A. A.	Oakland	182	18 20
50—Bliss, J. A.	Oakland	182	18 20
51—Wright, H. E.	Berkeley	172	17 20
52—Brown, H. W.	Colma	196	19 60
53—Radcliff, G. G.	Watsonville	450	45 00
54—Clark, W.	Mountain View	278	27 80
55—Kelsey, J. D.	San José	256	25 60
56—Arnerich, M. E.	Frohm	274	27 40
57—Stewart, J. R.	Crow's Landing	196	19 60
58—McDonald, A. M.	Sonora	200	20 00
59—Cargill, C. G.	San Juan	366	36 60

Name.	Residence.	Miles.	Amt.
60—Mack, P. H.	Independence	942	\$94 20
61—Feliz, F. R.	Monterey	412	41 20
62—Griffin, J. M.	Madera	296	29 60
63—Fairweather, J.	Reedley	388	38 80
64—Cosper, E. T.	Tulare	442	44 20
65—Boone, W. P.	Dinuba	442	44 20
66—Dale, R. C.	Bakersfield	556	55 60
67—Burnett, J. K.	Paso Robles	526	52 60
68—Merritt, C. W.	Santa Barbara	738	73 80
69—Greenwell, C. B.	Hueneme	814	81 40
70—Melick, W. S.	Pasadena	966	96 60
71—Huber, O. H.	Pomona	1006	100 60
72—Miller, J. M.	Clearwater	980	98 00
73—Mead, W.	Los Angeles	956	95 60
74—Valentine, L. H.	Los Angeles	956	95 60
75—Conrey, N. P.	Los Angeles	956	95 60
76—Chynoweth, H. W.	Anaheim	1000	100 00
77—Milice, A. S.	Riverside	1206	120 60
78—Meserve, F. P.	Redlands	1196	119 60
79—Works, L. R.	San Diego	1132	113 20
80—Crowder, A. S.	La Mesa	1142	114 20
Kyle, C. W.	San Francisco	168	16 80
Banks, W. O.	San Francisco	168	16 80
Wickham, R. Q.	Los Angeles	956	95 60

GREENWELL.
ROBINSON.
BURNETT.
HUBER.
McKEEN.

Report adopted.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly re-engrossed:

Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

RICKARD, Chairman.

MOTION.

Mr. Johnson moved that the Assembly do now proceed to the consideration of Assembly Bills Nos. 15 and 16.

So ordered.

FINAL PASSAGE OF BILLS.

Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Belshaw, Bliss, Blood, Boynton, Brown, Burnett, Cargill, Chynoweth, Clark, Cobb, Conrey, Cosper, Cowan, Crowley, Dale, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Huber, Johnson, Kelley, Kelsey, Kennedy, Knowland, Lardner, Mack, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Merrill, Merritt, Meserve, Miller of Los Angeles, Miller of San Francisco, O'Brien, Raw, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Wardell, White, Works, and Mr. Speaker—52.

NOES—Messrs. Clough, Marvin, Melick, Rickard, Valentine, and Wade—6.

Title read and approved.

Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—MESSRS. Atherich, Atherton, Barry, Belshaw, Bliss, Blood, Boynton, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowley, Dale, Devoto, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Huber, Johnson, Kelley, Kelsey, Kenneally, Knowland, Lardner, Mack, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Merrill, Merritt, Meserve, Miller of Los Angeles, Miller of San Francisco, O'Brien, Raub, Raw, Rickard, Robinson, Sanford, Stewart, E. D. Sullivan, Wardell, White, Works, and Mr. Speaker—55.

NOES—Messrs. Valentine and Wade—2.

Title read and approved.

SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, February 2, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Also: Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

F. J. BRANDON, Secretary of the Senate.

By F. L. THOMAS, Assistant Secretary.

FIRST READING OF BILLS.

Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Read first time, and referred to Committee on Mines and Mining.

Senate Bill No. 5—An Act to amend Section 2524 of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read first time, and referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON SWAMP AND OVERFLOWED LANDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1900.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 8—An Act to amend Section 2 of an Act entitled "An Act

providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Also: Assembly Bill No. 9—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DUNLAP, Chairman.

LEAVES OF ABSENCE.

Mr. Hanley was granted leave of absence for to-morrow, on motion of Mr. Devoto.

Mr. E. D. Sullivan was granted leave of absence, on motion of Mr. Kenneally.

ADJOURNMENT.

At two o'clock and forty-five minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until eleven o'clock A. M. of February 3, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 3, 1900. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Bliss, Blood, Boynton, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw Robinson, Sanford, Eugene Sullivan, Valentine, Wade, Wardell, White, Works. and Mr. Speaker—69.

Quorum present.

LEAVES OF ABSENCE.

Messrs. Stewart, Rickard, Belshaw, and Lundquist were granted leave of absence for the day.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING AND APPROVAL OF JOURNAL.

Pending the reading of the Journal of Friday, February 2, 1900, the further reading was dispensed with, on motion of Mr. La Barea.

The Journal of Thursday, February 1, 1900, was read and approved.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Beecher:

Resolved, That the Sergeant-at-Arms of the Assembly, or the Bookkeeper to the Sergeant-at-Arms, be and they are hereby authorized to receipt to the Controller for all warrants for payments to members, officers, and attachés of the Assembly.

Adopted.

By Mr. Valentine:

Resolved, That the officers and attachés named in the resolution of the Committee on Attachés, dated January 29, 1900, and adopted by this Assembly on January 30th, and all clerks of committees heretofore appointed pursuant to said resolution, be and they are hereby entitled to pay for January 29th, and the Controller is hereby directed to draw his warrant in payment of same.

Adopted.

INTRODUCTION OF CONCURRENT RESOLUTION.

By Mr. Hoey: Assembly Concurrent Resolution No. 1—Relative to the war in South Africa.

Referred to Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1900.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 3—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund.

Also. Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

KNOWLAND, Chairman.

Assembly Bills Nos. 3 and 6 ordered on second-reading file.

Senate Bill No. 5 ordered on Senate special file.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

VALENTINE, Chairman.

MOTION.

Mr. Valentine moved that the Assembly do now consider Senate Bill No. 10.

So ordered.

SECOND READING OF BILL.

Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.
Read second time.

RESOLUTION OF URGENCY.

By Mr. Valentine:

Resolved, That Senate Bill No. 10 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that a bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowly, Dale, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Henry, Hoey, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentz, O'Brien, Pierce, Radcliff, Raub, Raw, Robinson, Sanford, Valentine, Wade, Wardell, White, and Mr. Speaker—64.

NOES—None.

MOTION.

Mr. Valentine moved that the Assembly resolve itself into Committee of the Whole, with Speaker Anderson in the chair, for the purpose of considering Senate Bill No. 10.

So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Anderson in the chair.

Senate Bill No. 10 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Anderson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1900.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—and do now report the same back, and recommend that it do pass

ANDERSON, Chairman.

Report adopted.

THIRD READING OF BILL.

Senate Bill No. 10—An Act making an appropriation for the contingent expenses of the Senate for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Bliss, Blood, Boynton, Brooke, Burnett, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Henry, Hoey, Johnson, Kelsey, Kenneally, Knights, Knowland, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Robinson, Sanford, Eugene Sullivan, Valentine, Wade, White, Works, and Mr. Speaker—41.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1900.

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 12—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROBINSON, Chairman.

MOTION.

Mr. Valentine moved that the Assembly do now consider messages from the Senate.

So ordered.

SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, February 3, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 14—An Act making an appropriation for contingent expenses of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Also: Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

F. J. BRANDON, Secretary of the Senate.

By F. L. THOMAS, Assistant Secretary.

Assembly Bills Nos. 14, 15, and 16 ordered to enrollment.

SECOND READING OF BILLS.

Assembly Bill No. 3—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund.

Read second time, and ordered to engrossment and third reading.

Assembly Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Read second time.

The following committee amendments were submitted:

Amend Section 2 so as to read as follows:

"Sec. 2. All leases hereunder shall be made upon competitive bids after such public advertisement as the Commissioners shall deem sufficient, inviting proposals or bids

therefor, and shall be awarded to the person who will pay the amount required to construct such improvement and execute and take a lease thereof for the shortest period of such time."

Also. Change Section 2 to Section 3, to read as follows:

"SEC. 3. This Act shall take effect and be in force from and after its passage."

Amendments adopted.

Assembly Bill No. 6 ordered to print, engrossment, and third reading.

Assembly Bill No. 12—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Read second time, and ordered to engrossment and third reading.

Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Read second time, and ordered on Senate special file.

RECESS.

At twelve o'clock and ten minutes P. M., on motion of Mr. Kelley, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Anderson in the chair.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 15—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Assembly Bill No. 16—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

And reported to the Governor at twelve o'clock and one minute P. M.

ARNERICH, Acting Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 3—An Act authorizing the Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in the San Francisco Depot Sinking Fund.

Assembly Bill No. 12—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

ARNERICH, Acting Chairman.

Assembly Bills Nos. 3 and 12 ordered on third-reading file.

ADJOURNMENT.

At two o'clock and ten minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until two o'clock P. M. of February 5, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 5, 1900. }

The Assembly met at two o'clock P. M., pursuant to adjournment.
Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowley, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Hoev, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milhee, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, Wright, and Mr. Speaker—73.

Quorum present.

PRAYER.

Prayer by the Rev. S. J. Carroll, acting Chaplain.

LEAVES OF ABSENCE.

Messrs. Crowder, Dale, Works, and Caminetti were granted leave of absence for the day.

READING AND APPROVAL OF JOURNAL.

Pending the reading of the Journal of Saturday, February 3, 1900, the further reading was dispensed with, on motion of Mr. Knowland.

The Journals of Friday, February 2, 1900, and Saturday, February 3, 1900, were read and approved.

REPORT OF STANDING COMMITTEE.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1900.

MR. SPEAKER: Your Committee on Judiciary having had under consideration Assembly Bill No. 18—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California—reports the same back, and recommends that it do pass.

JOHNSON, Chairman.

MOTION.

Mr. Melick moved that Assembly Bill No. 18 be now read second time.
So ordered.

SECOND READING OF BILL.

Assembly Bill No. 18—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

Read second time.

Assembly Bill No. 18 ordered to engrossment and third reading.

MADE SPECIAL ORDER.

Mr. Melick moved that Assembly Bill No. 18 be made special order for to-morrow morning, immediately after reading of the Journal.

So ordered.

SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, February 5, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

FIRST READING OF BILL.

Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

Read first time, and referred to Committee on Commerce and Navigation.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Mr. Belshaw moved that Assembly Bill No. 3 be withdrawn and Senate Bill No. 7 be substituted therefor.

So ordered.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 3, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Also: Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Also: Adopted Senate Joint Resolution No. 5—Relative to a so-called reciprocity treaty between this country and the British West India Islands, known as the Jamaica treaty.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

FIRST READING OF BILLS.

Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Read first time.

Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Read first time.

MOTION.

Mr. Dunlap moved that Senate Bills Nos. 2 and 3 be placed on Senate special file without reference to committee.

So ordered.

CONSIDERATION OF SENATE JOINT RESOLUTION.

Mr. Melick moved that Senate Joint Resolution No. 5 be not referred to committee, but be considered at once.

So ordered.

SENATE JOINT RESOLUTION NO. 5.

Relative to a so-called reciprocity treaty between this country and the British West India Islands, known as the Jamaica treaty.

WHEREAS, There is now pending in the Senate of the United States, for ratification, a so-called reciprocity treaty between this country and the British West India Islands, known as the Jamaica treaty; and

WHEREAS, The proposed reduction of duties upon the importations from these islands that come into competition with the products of the United States, apply only to sugar cane products, citrus fruits, and fresh vegetables, which are only produced in competing quantities by the States of Florida, Louisiana, and California; and

WHEREAS, The articles of export enumerated in said proposed treaty upon which a reduction of duty is obtained are neither produced or exported from either of the said States of Florida, Louisiana, or California, thereby entailing great loss to them without any corresponding benefits; and

WHEREAS, The citrus product of this State, amounting to over five millions of boxes, which will be doubled within the next decade, is handicapped by a freight rate to the principal centers of population and trade of ninety cents per box, which exceeds by fifteen cents per box the combined freight rate and the proposed import duty from the British West Indies; and

WHEREAS, The citrus products of these islands come directly into competition with the holiday trade, which is known to be the best of the entire year; and

WHEREAS, The entire imports of the island of Jamaica have never exceeded eight millions of dollars per annum, a large proportion of which is imported from England, owing to a preferential tariff rate; and

WHEREAS, At the request of this body and the petition of the citrus fruit-growers of this State, the fifty-fifth Congress fixed a tariff duty upon that product, placing it on an equality with the foreign production, in respect to the freight rate only; and

WHEREAS, The American producer is entitled to, and ought, by right, to enjoy the benefit of his home market, when fully able to supply the demand; therefore,

Resolved by the Senate of the State of California, the Assembly jointly, That it deprecates the attempt to disturb the present existing conditions of the tariff upon sugar, citrus fruits, and fresh vegetables, that it is an unequal and unjust hardship to sacrifice the interests of a few for the benefit of a very large majority; that the supposed benefits accruing to this country in its added proportion of the eight millions of dollars of trade with Jamaica, will not compensate it for the loss inflicted upon one item alone of California production; that the California producer is entitled to a protective duty as against foreign competition, at least equal to the difference in their several freight rates, and that the American producer should be maintained in his demand for the markets of his own country; and be it further

Resolved, That our Senators be instructed to vote against the ratification of said treaty, and that our Representatives in Congress be requested to use their influence and best efforts to accomplish its defeat.

Resolved, That a copy of these resolutions be telegraphed to the Honorable George C. Perkins by the Secretary of Senate, and that a copy be transmitted by mail to each of our Representatives in Washington.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 5 adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brown, Burnett, Cargill, Clark, Cobb, Conrey, Cosper, De Lancie, Dibble, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Meserve, Milce, Miller of Los Angeles, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Robinson, Stewart, Eugene Sullivan, Valentine, Wade, and Mr. Speaker—47.

NOES—Messrs. Clough, Cowan, Fairweather, Glenn, Hanley, Hoey, and E. D. Sullivan—7.

SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, February 5, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

FIRST READING OF BILL.

Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Read first time, and referred to Committee on Roads and Highways.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 5, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature—and respectfully ask the concurrence of your honorable body in said amendments.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

MOTION.

Mr. Valentine moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 13, and that a Committee of Conference be appointed.

So ordered.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

The Speaker appointed Messrs. Valentine, Knights, and Hoey as such Committee of Conference.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that Assembly Bill No. 14—An Act making an appropriation for contingent expenses of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—has been correctly enrolled, and delivered to the Governor for his signature February 5, 1900, at two o'clock and thirty-five minutes P. M.

RICKARD, Chairman.

INTRODUCTION OF BILLS.

The following bill and constitutional amendments were introduced, and referred to committees, as follows:

By Mr. Mack: Assembly Bill No. 20—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location.

Read first time, and referred to Committee on Mines and Mining.

By Mr. Fairweather: Assembly Constitutional Amendment No. 1—Relative to local county governments.

Referred to Committee on Judiciary.

By Mr. Brown: Assembly Constitutional Amendment No. 2—Relative to the election of United States Senator.

Referred to Committee on Judiciary.

By Mr. Johnson: Assembly Constitutional Amendment No. 3—Relative to amending Section 32 of Article IV of the Constitution.

Referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1900.

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROBINSON, Chairman.

MOTION.

Mr. Dibble moved that the Assembly do now consider Senate special file.

So ordered.

SENATE SPECIAL FILE.

Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Read second time, and ordered on Senate special file.

Senate Bill No. 5—An Act to amend section two thousand five hundred and twenty-four (2524) of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Read third time.

On motion of Mr. Johnson, passed temporarily on file.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Assembly Bill No. 5 was withdrawn, on motion of Mr. Mack.

Senate Bill No. 3 was substituted for Assembly Bill No. 8.

Senate Bill No. 2 was substituted for Assembly Bill No. 9.

Senate Bill No. 7 was substituted for Assembly Bill No. 3.

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., on motion of Mr. Rickard, the Assembly adjourned until eleven o'clock A. M. of Tuesday, February 6, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,)
Tuesday, February 6, 1900. (

The Assembly met at eleven o'clock A. M., pursuant to adjournment.
Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancey, Devoto, Dibble, Dunlap, Farweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melchick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentert, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—80

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

Pending the reading of the Journal of Monday, February 5, 1900, the further reading was dispensed with, on motion of Mr. Bliss.

SPECIAL ORDERS.

The special orders were temporarily passed on file.

INTRODUCTION OF BILLS.

The following bill was introduced, read first time, and referred to committee, as follows:

By Mr. Kelsey: Assembly Bill No. 21—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read first time, and referred to Committee on Ways and Means.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1900

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Assembly Bill No. 18—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

RICKARD, Chairman.

THIRD READING OF BILL.

Assembly Bill No. 18—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

Read third time.

Mr. Le Baron moved that a select committee of one be appointed to amend Assembly Bill No. 18, as follows:

Amend Section 1, line 29, by inserting after the word "tire" the following:

"All spring wagons of one and one half (1½) axles used principally for passenger wagons."

The ayes and noes were demanded by Messrs. Melick, Dale, and Huber.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arnerich, Atherton, Bairy, Bliss, Blood, Boynton, Brooke, Brown, Burnett, Chynoweth, Clark, Clough, Cowan, Crowder, Crowley, Fehz, Glenn, Hanley, Henry, Jilson, Kelsey, Kenneally, La Bate, Le Baron, Lardner, Mack, Marvin, McDonald of Tuolumne, McKeen, Milce, Muenter, O'Brien, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Wade, Wardell, White, and Mr. Speaker—45.

NOES—Messrs. Beecher, Belshaw, Boone, Conrey, Cosper, Dale, De Lancia, Dibble, Dunlap, Fairweather, Greenwell, Griffin, Hoey, Huber, Johnson, Knights, Knowland, McDonald of Alameda, Melick, Merrill, Merritt, Meserve, Miller of Los Angeles, Pierce, Valentine, Works, and Wright—27.

Mr. Le Baron was appointed as such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1900.

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 18—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California,—with instructions to amend, now reports that the instructions of the Assembly have been carried out.

LE BARON, Committee.

Report adopted.

Assembly Bill No. 18 ordered to print re-engrossment, and on file for final passage.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 6, 1900. {

To the Assembly of the State of California:

I have the honor to inform your honorable body that I have approved Assembly Bill No. Fourteen (14), entitled "An Act making an appropriation for contingent expenses of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year."

HENRY T. GAGE,
Governor of the State of California.

SENATE MESSAGES.

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day respectfully refused to recede from its amendment to Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature—and appointed Senators Smith, Leavitt, and Prisk as a Committee of Conference to meet a like committee from the Assembly.

F. J. BRANDON, Secretary of Senate
By F. L. THOMAS, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 1—Proposition to amend Article VI of the Constitution, relating to the judicial department.

Also: Passed Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Also: Adopted Senate Joint Resolution No. 3—Relative to construction of Pacific cable.

Also: Adopted Senate Constitutional Amendment No. 2—Relative to the compensation of county and township officers.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

Senate Constitutional Amendment No. 1 referred to Committee on Judiciary.

Senate Joint Resolution No. 3 referred to Committee on Federal Relations.

Senate Constitutional Amendment No. 2 referred to Committee on Judiciary.

FIRST READING OF BILL.

Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Read first time, and substituted on file for Assembly Bill No. 6.

RECESS.

At eleven o'clock and fifteen minutes A. M., on motion of Mr. Johnson, the Assembly took a recess until eleven o'clock and fifty-five minutes A. M.

REASSEMBLED.

At eleven o'clock and fifty-five minutes A. M. the Assembly reconvened. Speaker Anderson in the chair.

RESOLUTIONS.

By Mr. Kelsey:

Resolved, That the State Printer be directed to print Assembly Bill No. 21 out of order and return the same forthwith to the Assembly.

Adopted.

By Mr. Dibble:

WHEREAS, The term of the Honorable Stephen M. White, United States Senator in Congress from the State of California, elected on the eighteenth day of January, A. D. 1893, for a full term of six years from the fourth day of March, A. D. 1893, did expire on the fourth day of March, A. D. 1899; and

WHEREAS, His successor, whose term did commence on the said fourth day of March, A. D. 1899, must be now chosen; therefore, be it

Resolved, That the Assembly do now proceed to name, by viva voce vote, a person for Senator in Congress from the State of California, for the term of six years commencing March 4, A. D. 1899, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections of Senators in Congress," approved July 25, A. D. 1866, and pursuant to the provisions of Sections 14 and 15 of the Revised Statutes of the United States

Adopted.

ELECTION OF UNITED STATES SENATOR.

The Assembly proceeded to the election of United States Senator in accordance with the following Act of Congress, which was read by the Chief Clerk by direction of the Speaker:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provision of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the statutes of the United States, in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress, from such State, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the Journal of that house by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each house, or if either house has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Speaker declared in order nominations for one United States Senator, to succeed the Hon. Stephen M. White.

NOMINATIONS FOR UNITED STATES SENATOR.

Mr. Valentine nominated the Hon. Thomas R. Bard, of Ventura County.

Mr. Cobb seconded the nomination of the Hon. Thomas R. Bard.

Mr. Works seconded the nomination of the Hon. Thomas R. Bard.

Mr. Lardner seconded the nomination of the Hon. Thomas R. Bard.

Mr. Belshaw seconded the nomination of the Hon. Thomas R. Bard.

Mr. Clough seconded the nomination of the Hon. Thomas R. Bard.

EXTENSION OF TIME.

At twelve o'clock and twenty-nine minutes P. M. the Speaker declared that the hour of recess be extended one hour.

NOMINATIONS—(RESUMED).

Mr. Dunlap seconded the nomination of the Hon. Thomas R. Bard.

Mr. Johnson seconded the nomination of the Hon. Thomas R. Bard.

Mr. Pierce seconded the nomination of the Hon. Thomas R. Bard.

Mr. Melick seconded the nomination of the Hon. Thomas R. Bard.

Mr. Mack nominated the Hon. James D. Phelan, of San Francisco.

Mr. E. D. Sullivan seconded the nomination of the Hon. James D. Phelan.

Mr. Dibble moved that nominations close.

So ordered.

ROLL CALL.

The Speaker directed the Chief Clerk to call the roll on the election of United States Senator.

The roll was thereupon called, with the following result:

For Thomas R. Bard—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brown, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Gosper, Crowder, Dale, De Lancie, Devoto, Dibble, Dunlap, Greenwell, Henry, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Melick, Merrill, Merritt, Mihce, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Eugene Sullivan, Valentine, Wade, Works, Wright, and Mr. Speaker—59.

For James D. Phelan—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Mack, Mead, Meserve, O'Brien, Sanford, Stewart, E. D. Sullivan, Wardell, and White—20.

For Stephen M. White—Mr. Crowley—1.

Whole number of votes cast	80
Necessary to a choice	41
Thomas R. Bard received	59 votes.
James D. Phelan received	20 votes.
Stephen M. White received	1 vote.

The Speaker announced the vote, and declared that the Hon. Thomas R. Bard, having received a majority of the votes of the whole Assembly, is the choice of the Assembly of the State of California for United States Senator for the term of six years, commencing March 4, 1899.

RESOLUTION.

By Mr. Valentine:

Resolved, That the Chief Clerk forthwith notify the Senate of the vote for United States Senator had in this Assembly.

Adopted.

RECESS.

At twelve o'clock and fifty-five minutes P. M., Mr. Dibble moved that the Assembly take a recess until one o'clock P. M.

So ordered.

REASSEMBLED.

The Assembly reconvened at one o'clock P. M.
Speaker Anderson in the chair.

RESOLUTION.

By Mr. Belshaw:

WHEREAS, It appears by a message of the Senate that on the sixth day of February, A. D. 1900, proceedings were had in the Senate for the election of a United States Senator in Congress, in conformity to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, A. D. 1866, and pursuant to Sections 14 and 15 of the Revised Statutes of the United States; and it appearing that Thomas R. Bard received a majority of the votes cast in the Senate; and

WHEREAS, Similar proceedings were had in the Assembly on said sixth day of February, A. D. 1900, and a majority of said votes of the Assembly were cast for said Thomas R. Bard; now, therefore, be it

Resolved, That the Senate and Assembly meet in Joint Assembly on the seventh day of February, A. D. 1900, at twelve o'clock noon of said day, to declare the said election of the said Thomas R. Bard Senator in Congress for the term of six years, commencing on the fourth day of March, A. D. 1899.

Adopted.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following resolution:

Resolved, That the Secretary forthwith inform the Assembly of a vote for United States Senator in this Senate, and that the Senate will meet with the Assembly in the Assembly Chamber to-morrow, Wednesday, February 7, 1900, at twelve o'clock meridian, in Joint Assembly, for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled 'An Act to regulate the time and manner of holding elections of Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States in force on the 1st day of December, Anno Domini 1873,' approved January 23, 1874."

Pursuant to the above resolution I hereby certify that the Senate has this day voted for a person for United States Senator in Congress from California for the term of six years, beginning March 4, 1899, with the following result:

Whole number of votes cast	36
Necessary to a choice	19
Thomas R. Bard received	26 votes.
James D. Phelan received	10 votes.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

ADJOURNMENT.

At one o'clock and fifteen minutes P. M., on motion of Mr. Johnson, the Assembly adjourned until eleven o'clock A. M. of Wednesday, February 7, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,)
Wednesday, February 7, 1900.)

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Bel-haw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cusper, Cowan, Crowder, Crowley, Dale, De Lancei, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentert, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—79.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING AND APPROVAL OF JOURNAL.

Pending the reading of the Journal of Tuesday, February 6, 1900, the further reading was dispensed with, on motion of Mr. Wade.

The Journal of Monday, February 5, 1900, was read and approved.

LEAVE OF ABSENCE.

Mr. Crowder was granted a leave of absence until Monday.

SPECIAL ORDER.

Assembly Bill No. 18 passed temporarily on file.

REPORT OF STANDING COMMITTEE.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: Your Committee on Roads and Highways beg leave to report as follows:

We have had under consideration a concurrent resolution relative to the Yosemite National Park, which we herewith present to the Assembly, and respectfully report that the same do pass.

MELICK, Chairman.

SPECIAL ORDER SET.

Mr. Melick moved that Assembly Concurrent Resolution No. 2 be made a "rush order" to the printer, and that the same be made special order for three o'clock P. M. of this day.

So ordered.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 19—An Act to repeal Section 19 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of money and properties," approved March 31, 1897—have had the same under consideration, and do now report the same back, and recommend that the same do pass.

WADE, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 1—Relative to the war in South Africa—have had the same under consideration, and respectfully report the same back with a recommendation that it do not pass.

Also: Senate Joint Resolution No. 3—Relative to the construction of Pacific cable—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

DALE, Chairman.

MOTION.

Mr. Belshaw moved that the Assembly do now consider Senate Joint Resolution No. 3.

So ordered.

SENATE JOINT RESOLUTION NO. 3.

Relating to construction of Pacific cable, and requesting that Congress require the same to be of American make.

WHEREAS, There are now pending in Congress measures for the laying of a submarine cable from some point in the State of California across the Pacific Ocean; and

WHEREAS, The construction of the same will be of great benefit to the United States and to this State; and

WHEREAS, If the cable is made by an American company in the United States it will favorably advertise our manufactures abroad and give employment to a great number of our citizens; now, therefore, be it

Resolved by the Senate and the Assembly, jointly, That our Senators in Congress be instructed, and our Representatives therein be requested and urged, to vote for and use all honorable means to secure the passage of a bill requiring the laying of such cable, and also requiring that the cable be made by an American company in the United States, and be it further

Resolved, That a copy of this resolution be forwarded by telegraph to Hon. George C. Perkins, and that he be requested to deliver a copy of the same to each member of the California delegation in Congress.

Resolution adopted.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 21—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

VALENTINE, Chairman.

RESOLUTION OF URGENCY.

By Mr. Kelsey:

Resolved, That Assembly Bill No. 21 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that a bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its final passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrev, Cosper, Cowan, Crowder, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Griffin, Henry, Huber, Jilson, Kelley, Kelsey, Knights, Knowland, Le Baron, Lardner, Mack, Marvin, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Milice, Miller of Los Angeles, Miller of San Francisco, Muenter, O'Brien, Pierce, Radcliff, Raub, Rickard, Eugene Sullivan, Valentine, Wade, Works, Wright, and Mr. Speaker—60.

NOES—Messrs. Boone, Glenn, Johnson, La Bree, McDonald of Alameda, Meserve, Robinson, E. D. Sullivan, and White—9.

SECOND READING OF BILL.

Assembly Bill No. 21—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read second time.

MOTION.

Mr. Valentine moved that the Assembly resolve itself into Committee of the Whole, with Speaker Anderson in the chair, for the purpose of considering Assembly Bill No. 21.

So ordered.

IN COMMITTEE OF THE WHOLE.

Assembly Bill No. 21 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Anderson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 21—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—and do now report the same back, and recommend that it do pass.

ANDERSON, Chairman.

Report adopted.

THIRD READING OF BILL.

Assembly Bill No. 21—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Bliss, Blood, Brooke, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Crowder, Dale, De Lencie, Dibble, Dunlap, Fairweather, Feliz, Griffin, Henry, Hoey, Jilson, Kelley, Kelsey, Knights, Knowland, Le Baron, Lardner, Mack, Marvin, McDonald of Tuolumne, McKeen, Melick, Merrill, Merritt, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Radcliff, Raub, Rickard, Eugene Sullivan, Valentine, Wade, White, Works, Wright, and Mr. Speaker—51.

NOES—Messrs. Boone, Brown, Cowan, Glenn, Johnson, La Barea, McDonald of Alameda, Meserve, O'Brien, Robinson, Stewart, and E. D. Sullivan—12

Title read and approved.

MINORITY REPORT OF COMMITTEE ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 1, hereby submits its minority report, and recommends that the same be adopted.

O'BRIEN.

REPORT OF COMMITTEE OF CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: Your Committee of Conference concerning Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature—report that we have met a like committee of the Senate, consisting of Senators Smith, Leavitt, and Prisk, and we report that the Conference Committee recommend that the Senate recede from its amendment, and that said original

bill be amended so as to read "four thousand five hundred dollars" instead of "seven thousand five hundred dollars."

VALENTINE,
Chairman of Committee of Conference of the Assembly.

Report placed on file.

RESOLUTION.

By Mr. Conrey :

Resolved, That all Senate bills that have been referred to committee be reported back by the respective committees at the beginning of the afternoon session to-day; that all Assembly bills that have been referred to committee be reported back by the respective committees on or before February 8th, at the morning session.

Adopted.

INTRODUCTION OF BILLS.

The following bills were introduced, read first time, and referred to committees, as follows:

By Mr. Kelsey: Assembly Bill No. 22—An Act making an appropriation for pay of officers and clerks of the Assembly of the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read first time, and referred to Committee on Ways and Means.

By Mr. Wade: Assembly Bill No. 23—An Act to amend Section 5 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Read first time, and referred to Committee on State Hospitals and Asylums.

SENATE SPECIAL FILE.

Senate Bill No. 4—An Act to repeal an Act entitled "An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and providing for the deposit of district records with County Recorders, and prescribing the effect to be given to recordation of notices of location and affidavits," approved March 27, 1897.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Belshaw, Bliss, Blood, Boynton, Brown, Burnett, Caminetti, Chynoweth, Clark, Cough, Coney, Cowan, Crowley, Dale, Devoto, Dibble, Dunlap, Feitz, Glenn, Griffin, Hoey, Jilson, Kelsey, Knights, Knowland, La Barea, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tolumne, McKeen, Mead, Melick, Merrill, Meserve, Milce, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—53

NOES—Messrs. Johnson and E. D. Sullivan—2.

Title read and approved.

MOTION.

Mr. Melick moved that Assembly Bill No. 18 be recalled from engrossment for correction.

So ordered.

SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 5—An Act to amend Section 2524 of the Political Code, relating to the Board of State Harbor Commissioners, their jurisdiction, powers, and duties.

Read third time on a previous day.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arneich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brooke, Brown, Caminetti, Chynoweth, Clark, Conrey, Cowan, Crowder, Crowley, Dale, De Lancia, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Jilson, Kelsey, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Wright, and Mr. Speaker—61.

NOES—Messrs. Hoey and Johnson—2.

Title read and approved.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 21—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

F. J. BRANDON, Secretary of the Senate.
By F. L. THOMAS, Assistant Secretary.

Assembly Bill No. 21 ordered to enrollment.

RECESS.

At eleven o'clock and fifty minutes A. M., the Speaker declared a recess until eleven o'clock and fifty-eight minutes A. M.

REASSEMBLED.

At eleven o'clock and fifty-eight minutes A. M., the Assembly reconvened.

Speaker Anderson in the chair.

The hour of twelve o'clock meridian having arrived, the Sergeant-at-Arms announced that the members of the Senate were at the bar of the House.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 7, 1900. }

The Senate and Assembly then went into joint session for the purpose of electing a United States Senator pursuant to an Act of Congress entitled "An Act to regulate the time and manner for holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the

United States in force on the first day of December, A. D. 1873," approved January 22, 1874.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in conjunction with the Hon. Alden Anderson, Speaker of the Assembly, presiding.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was then called, and the following Senators answered to their names:

Senators Ashe, Bettman, Boyce, Brauhart, Bulla, Burnett, Chapman, Currier, Curtin, Cutter, Davis, Dickinson, Doty, Flint, Gillette, Goad, Hall, Hoey, Jones, Laird, Langford, La Rue, Leavitt, Luchsinger, Maggard, Morehouse, Nutt, Pace, Prisk, Rowell, Shortridge, Simpson, Simis, Smith, Stratton, Taylor, Trout, and Wolfe—88.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll of the Assembly was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowder, Crowley, Dale, De Lancey, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hauley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, Works, Wright, and Mr. Speaker—79.

Quorum of both houses present.

The President pro tem. of the Senate directed the Secretary of the Senate to read the Act of Congress requiring both houses to meet in Joint Assembly this day.

The Secretary of the Senate read as follows:

Title two, chapter one, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Section 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who receives a majority of the whole number of votes cast in each house shall be entered on the Journal of that house by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each house shall then be read, and if the same person has received a majority of all the votes in each house he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each house, or if either house has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a viva voce vote of each member present, a person for Senator and a person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the

second Tuesday after meeting and organization, to elect a person to fill such vacancy in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of the President pro tem. of the Senate, then read from the Journal of the Senate so much of the proceedings of yesterday as relates to the election of United States Senator to fill the term commencing March 4, 1899.

Whereby it appears that thirty-six (36) Senators were present and voted each for his choice, and that the

Hon. Thomas R. Bard received	26 votes.
Hon. James D. Phelan received	10 votes.

The President pro tem. of the Senate then announced that it appeared from the reading of the Journal of the Senate that the Hon. Thomas R. Bard had received a majority of the votes of the Senate, and declared him the choice of the Senate for United States Senator to fill the term commencing March 4, 1899.

By direction of the Speaker of the Assembly, the Chief Clerk of the Assembly then read from the Journal of the Assembly so much of the proceedings of yesterday as relates to the election of a United States Senator to fill the term commencing March 4, 1899.

Whereby it appears that eighty (80) members of the Assembly were present and voted each for his choice, and that the

Hon. Thomas R. Bard received	59 votes.
Hon. James D. Phelan received	20 votes.
Hon. Stephen M. White received	1 vote.

The Speaker of the Assembly then announced that it appeared from the reading of the Journal of the Assembly that Hon. Thomas R. Bard had received a majority of the votes of the whole House, and declared him the choice of the Assembly for United States Senator to fill the term commencing March 4, 1899.

The President pro tem. of the Senate, Hon. Thomas Flint, Jr., then declared as follows: It appearing from the Journals of the Senate and Assembly, as read in Joint Assembly, that Hon. Thomas R. Bard has received a majority of all the votes of the Senate and a majority of all the votes of the Assembly, I therefore declare Hon. Thomas R. Bard duly elected United States Senator in the Congress of the United States from the State of California for the term beginning March 4, 1899.

RESOLUTION.

The following resolution was introduced by Assemblyman Dibble:

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly be and they are hereby directed to prepare and transmit forthwith to the Governor of the State of California a copy of the proceedings of this Joint Assembly appertaining to the election and declaring the election of a person to the United States Senate in Congress from California for a term of six years beginning March 4, 1899, in accordance

with the provisions of an Act of Congress entitled 'An Act to regulate the time and manner of holding elections for Senators in Congress,' approved July 25, 1866, and in pursuance to the provisions of Sections 14 and 15 of the Revised Statutes of the United States, and that said copy be attested by the President and Secretary of the Senate and the Speaker and Chief Clerk of the Assembly.

Adopted.

APPOINTMENT OF COMMITTEE.

On motion of Assemblyman Dibble, the President pro tem. of the Senate appointed Assemblymen Dibble, Radcliff, and Mead, and Senators Rowell, Leavitt, and Sims a committee to invite the Hon. Thomas R. Bard, Senator elect, to address the Joint Assembly.

ADDRESS BY UNITED STATES SENATOR BARD.

Whereupon the Hon. Thomas R. Bard, Senator elect, was conducted to the chair by the committee appointed to escort him, who made the following address:

MR. CHAIRMAN, AND GENTLEMEN OF THE SENATORIAL CONVENTION: I fully appreciate and thank you, as representatives of the people of the State of California, for the honor that you have conferred upon me. I accept the office to which you have been pleased to elect me, fully realizing its responsibilities, and the services which are inseparable from it. And, invoking God's aid, I shall undertake to discharge the duties of the office, having in view, as my highest reward, the commendation of the people of the State. Honesty and industry are common virtues, but relying upon these, I hope to win that reward. I thank you

RESOLUTION.

The following resolution was introduced by Assemblyman Mead:

Resolved, That the Legislature of California, assembled in joint convention, tenders to the Hon. Stephen M. White the thanks of a grateful people for his distinguished services to the State and Nation during the six years that he served in the Senate of the United States.

Resolved, That the Chief Clerk of the Assembly be instructed to have an engrossed copy of this resolution made, signed by the proper officers of the Senate and Assembly, and transmit the same to the Hon. Stephen M. White.

Adopted.

APPROVAL OF MINUTES.

The minutes of the Joint Assembly of this day were read and, on motion, approved.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Assemblyman Dibble, the Joint Assembly stood adjourned.

IN ASSEMBLY.

RECESS.

On motion of Mr. Dibble, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Anderson in the chair.

SENATE SPECIAL FILE—RESOLUTION OF URGENCY.

By Mr. Dibble:

Resolved, That Senate Bills Nos. 2, 3, 6, and 7 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that a bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that each of said bills be read second and third times and be placed upon its final passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Dale, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Hanley, Henry, Hoey, Huber, Johnson, Kelsey, Knights, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McKeen, Mead, Melick, Merritt, Meserve, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Sanford, Stewart, Eugene Sullivan, Valentine, Wade, White, and Mr. Speaker—61

NOES—None.

CASES OF URGENCY—SECOND AND THIRD READING OF BILLS.

Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Read second time, and ordered to third reading.

Senate Bill No. 2—An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cowan, Dale, De Lancia, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Hanley, Henry, Hoey, Huber, Johnson, Kelsey, Knights, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meserve, Milne, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Stewart, Eugene Sullivan, Valentine, Wade, White, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Read second time, and ordered to third reading.

Senate Bill No. 3—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts

a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Brooke, Brown, Burnett, Caninetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cowan, Dale, De Lancie, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Hanley, Henry, Hoey, Johnson, Kelsey, Knight, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Stewart, Eugene Sullivan, Valentine, Wade, White, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Read second time, and ordered to third reading.

Senate Bill No. 6—An Act to amend section two thousand five hundred and twenty-seven (2527) of the Political Code, relating to the powers of the Board of State Harbor Commissioners.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Boone, Brooke, Brown, Burnett, Caninetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cowan, Dale, De Lancie, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Hanley, Henry, Johnson, Kelsey, Knight, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Raub, Raw, Rickard, Robinson, Stewart, Eugene Sullivan, Valentine, Wade, White, and Mr. Speaker—59.

NOES—Mr. Hoey—1.

Title read and approved.

Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

Read second time, and ordered to third reading.

Senate Bill No. 7—An Act authorizing the State Treasurer to transfer to the San Francisco Harbor Improvement Fund moneys now in San Francisco Depot Sinking Fund.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Brooke, Brown, Burnett, Caninetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cowan, Dale, De Lancie, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Hanley, Henry, Hoey, Huber, Johnson, Kelsey, Knight, Knowland, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, Valentine, Wade, White, and Mr. Speaker—64.

NOES—None.

Title read and approved.

INTRODUCTION OF JOINT RESOLUTIONS.

By Mr. Caminetti: Assembly Joint Resolution No. 1—An application by the Legislature of the State of California to the Congress of the United States to call a convention for proposing amendments to the Federal Constitution on the question of election of Senators in Congress.

Read, and referred to Committee on Federal Relations.

By Mr. O'Brien: Assembly Joint Resolution No. 2—Relative to the construction, control, and management of the proposed Nicaragua Canal.

Read, and referred to Committee on Federal Relations.

MOTION.

Mr. Johnson moved that the Assembly do now consider messages from the Senate.

So ordered.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

F. J. BRANDON, Secretary of Senate.

By F. L. THOMAS, Assistant Secretary.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Mr. Johnson moved that the Assembly do now consider Senate Constitutional Amendment No. 3.

So ordered.

SENATE CONSTITUTIONAL AMENDMENT NO. 3.

A resolution to propose to the people of the State of California an amendment to section eight, article eleven, of the Constitution of the State of California, relating to charters.

The Legislature of the State of California, at its thirty-third session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California, the following amendment to section eight of article eleven of the Constitution.

Section eight of article eleven of the Constitution is hereby amended so as to read as follows:

SECTION 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter, *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic

law thereof, and supersede any existing charter and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Beecher, Belshaw, Bliss, Boone, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cowan, Dale, De Lancia, Dibble, Dunlap, Fairweather, Feliz, Glenn, Greenwell, Hanley, Hoey, Huber, Jilson, Johnson, Kelsey, Knights, Knowland, Le Baron, Lardner, Lundquist, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meseive, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, Valentine, Wade, White, and Mr. Speaker—60.

NOES—None.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 2—Relative to the election of United States Senators by direct vote of the people.

Also: Adopted the report of the Conference Committee on Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

F. J. BRANDON, Secretary of Senate.

By F. L. THOMAS, Assistant Secretary.

Senate Joint Resolution No. 2 read, and referred to Committee on Judiciary.

Assembly Bill No. 13 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3—Relative to a vote of thanks to Mrs. Almira S. Townsend.

Also, Senate Concurrent Resolution No. 4—Relative to leave of absence of G. W. Root, Clerk of Supreme Court, from the State

F. J. BRANDON, Secretary of Senate.

By F. L. THOMAS, Assistant Secretary.

CONSIDERATION OF SENATE CONCURRENT RESOLUTIONS.

Mr. Dibble moved that the Assembly do now consider Senate concurrent resolutions.

So ordered.

SENATE CONCURRENT RESOLUTION No. 3.

WHEREAS, Almira S. Townsend, a resident of San Francisco, State of California, has shown great liberality in the reception and entertainment of the First Regiment of California Volunteers, and the United States Volunteers from other States, upon their

return from the Philippine Islands in eighteen hundred and ninety-nine, and also for the care and attention to the sick and wounded Volunteer Soldiers; therefore, be it

Resolved by the Senate, the Assembly concurring, That a vote of thanks be and is hereby tendered to Mrs. Almira S. Townsend for the attention shown and the kindness displayed to our soldiers on their return from the Philippine Islands, and the Governor of California be requested to forward a copy of this resolution to Mrs. Almira S. Townsend.

Read and adopted.

SENATE CONCURRENT RESOLUTION No. 4.

Relative to the consent of the Legislature to absence from the State of G. W. Root, Clerk of the Supreme Court of the State of California, for a period not to exceed six months.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that G. W. Root, Clerk of the Supreme Court of the State of California, may depart from the State of California at any time during the remainder of his official term as Clerk of the Supreme Court of the State of California, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Read and adopted.

SECOND-READING FILE—(RESUMED).

Assembly Bill No. 19—An Act to repeal Section 19 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of money and properties," approved March 31, 1897.

Read second time, and ordered to engrossment and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used upon the public highways of the State of California," approved March 20, 1897—have had the same under consideration, and respectfully report the same back, without recommendation.

MELICK, Chairman.

MOTION.

Mr. Dibble moved that the Assembly do now consider Senate Bill No. 1.

So ordered.

SECOND READING OF BILL.

Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regulate the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Read second time, and ordered to third reading.

CONSIDERATION OF ASSEMBLY BILL No. 18.

Mr. Melick moved that the Assembly do now consider Assembly Bill No. 18.

So ordered.

Assembly Bill No. 18—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

Mr. Melick moved that Assembly Bill No. 18 be referred to a select committee of one, with instructions to amend as follows :

Amend Section 1, line 30, by inserting the word "inches" after the word "half."
Also, That the word "wagons" be stricken out and the word "service" be substituted.

So ordered.

Mr. Melick was appointed as such select committee.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 18—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California—with instructions to amend same, reports that the instructions of the Assembly have been carried out.

MELICK, Committee

Adopted.

Mr. Arnerich moved to appoint a select committee of one to amend Assembly Bill No. 18, as follows:

Strike out word "three" on line 4, page 1, and insert the word "twenty" in lieu thereof.

Motion lost.

Assembly Bill No. 18 ordered to print and re-engrossment.

WITHDRAWAL OF BILLS.

Assembly Bills Nos. 5 and 7 were withdrawn, being identical with Senate Bills before the Assembly.

INTRODUCTION OF BILL.

The following bill was introduced, read first time, and referred to committee, as follows:

By Mr. Merritt: Assembly Bill No. 24—An Act to provide for the removal by the Governor of officers and commissioners appointed by the Governor whose terms of office are not fixed by the Constitution.

Read first time, and referred to Committee on Judiciary.

MOTION.

Mr. Dibble moved that a message be sent to the Senate informing the Senate that Assembly Bill No. 13 had not been printed when amended and passed by that body.

So ordered.

SPECIAL ORDER RESET.

Mr. Melick moved that Assembly Concurrent Resolution No. 2—Relative to appropriations for roads in and about Yosemite National Park—which was a special order for three o'clock P. M. of this day, be continued a special order for to-morrow morning, immediately after reading the Journal.

So ordered.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., on motion of Mr. Dibble, the Assembly adjourned until eleven o'clock A. M. of Thursday, February 8, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 8, 1900. }

The Assembly met at eleven o'clock A. M., pursuant to adjournment. Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Americh, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conley, Cosper, Cowan, Crowly, Dale, De Lancey, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Kennally, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Mr. Speaker—75.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

LEAVES OF ABSENCE.

Mr. Wright was granted leave of absence until Monday, on motion of Mr. Valentine.

Mr. Works was granted leave of absence for the day, on motion of Mr. Belshaw.

READING AND APPROVAL OF JOURNAL.

Pending the reading of the Journal of Wednesday, February 7, 1900, the further reading was dispensed with, on motion of Mr. Bliss.

The Journal of Tuesday, February 6, 1900, and of Wednesday, February 7, 1900, were read and approved.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report the following bill has been correctly engrossed:

Assembly Bill No. 19—An Act to repeal Section 19 of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and

apprehension of persons believed to be insane and the commitment of insane persons, and providing for the transfer of unexpended appropriations of money and properties." approved March 31, 1897.

RICKARD, Chairman.

Assembly Bill No. 19 ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that Assembly Bill No. 21—An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—has been correctly enrolled, and was presented to the Governor on Wednesday, February 7th, at three o'clock and forty-five minutes P. M.

RICKARD, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 22—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year—has had the same under consideration, and respectfully reports the same back with the recommendation that it do pass.

VALENTINE, Chairman.

RESOLUTION OF URGENCY.

By Mr. Kelsey:

Resolved, That Assembly Bill No. 22 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Belshaw, Bliss, Blood, Boone, Boynton, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Csper, Cowan, Crowley, Dale, De Lancey, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Jilson, Kelsey, Knights, Knowland, La Bree, Le Baron, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Mihce, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, White, and Mr. Speaker—61.
NOES—None.

MOTION.

Mr. Valentine moved that the Assembly resolve itself into Committee of the Whole, with Speaker Anderson in the chair, for the purpose of considering Assembly Bill No. 22.

So ordered.

IN COMMITTEE OF THE WHOLE.

Assembly Bill No. 22 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Anderson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

GENTLEMEN: The Committee of the Whole having had under consideration Assembly Bill No. 22—An Act making an appropriation for pay of officers and clerks of the Assembly of the extra session of the thirty-third Legislature of the State of California,

during the fifty-first fiscal year—do now report the same back, and recommend that the same do pass.

ANDERSON, Chairman.

Report adopted.

SECOND READING OF BILL.

Assembly Bill No. 22—An Act making an appropriation for pay of officers and clerks of the Assembly of the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read second time, considered engrossed, and ordered to third reading.

THIRD READING OF BILL.

Assembly Bill No. 22—An Act making an appropriation for pay of officers and clerks of the Assembly of the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote :

AYES—Messrs. Arnerich, Atherton, Barry, Beccher, Belshaw, Bliss, Blood, Boone, Boynton, Brown, Burnett, Cammett, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowley, De Lancia, Dibble, Dunlap, Fairweather, Feliz, Glenn, Hanley, Henry, Jilson, Kelley, Kelsey, Knights, Knowland, La Barea, Le Baron, Lardner, Muck, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milce, Miller of Los Angeles, Miller of San Francisco, Muenster, O'Brien, Pierce, Radcliff, Raub, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, White, and Mr. Speaker—64.

NOES—None.

Title read and approved.

CONSIDERATION OF CONCURRENT RESOLUTION.

ASSEMBLY CONCURRENT RESOLUTION No. 2.

Relative to appropriations for roads in and about Yosemite National Park.

WHEREAS, By an Act of Congress approved October first, eighteen hundred and ninety, the tract of land in the State of California described as townships one (1) and two (2) north, and townships one (1), two (2), three (3), and four (4) south, all of ranges nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), and twenty-four (24) east; also townships one (1), two (2), three (3), and four (4) south, of range twenty-five (25) east, and also townships three (3) and four (4) south, of range twenty-six (26) east, excepting therefrom the tract of land known as Yosemite Valley, granted to the State of California for a public park, by an Act of Congress approved June thirtieth, eighteen hundred and sixty-four, as the same has been surveyed out and accepted by said State, have been set apart for a public park, and the same is known as the "Yosemite National Park"; and

WHEREAS, Such park withdraws from settlement and production a vast area within the State of California; and

WHEREAS, To the present time the appropriations for the improvement and maintenance of said park have been so limited in character that it remains a park in name but not in fact, and is furthermore inaccessible to the people of the United States and the State of California, and therefore of no benefit to said people for the purposes intended; and

WHEREAS, To make said park accessible, it will be necessary to construct various roads to and through said park, and to acquire the existing toll roads in and about said park, requiring national expenditure, due to the fact that said park is under national control, and

WHEREAS, At the last session of Congress a special commission was created to examine and report upon the feasibility of acquiring the existing roads in and about said park, and for the construction of other necessary new roads within said park, and

WHEREAS, Said commission has reported fully as to the needs of said park and the amount of expenditure necessary therefor; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives be requested and urged, to take such action as shall

result in the securing of proper appropriations in accordance with the report of said commission, for these most necessary improvements, to the end that said Yosemite National Park shall be made a park in fact, as well as in name, accessible to the people of the United States at all times.

Resolved further, That the Chief Clerk of the Assembly be instructed to transmit by mail a copy of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the United States of America, and to each Senator and Representative of the State of California at Washington, D. C.

Resolution read and adopted.

MOTION.

Mr. Dibble moved that a message be sent to the Senate requesting the return of Senate Constitutional Amendment No. 3 to this House for correction.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 23, have had the same under consideration, and report the same back with amendments, and recommend that the amendments be adopted and without further recommendation.

WADE, Chairman.

SUSPENSION OF RULES.

Mr. Wade moved that the rules be suspended and that the Assembly do now consider Assembly Bill No. 23.

So ordered.

SECOND READING OF BILL.

Assembly Bill No. 23—An Act to amend Section 5 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Read second time.

The following committee amendments were submitted:

COMMITTEE AMENDMENT No. 1.

Amend by inserting after the word "physician," in line 13 of Section 1, printed bill, the following: "a graduate of an incorporated medical college, of good moral character."

Adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out of Section 1, line 13, the word "not" where it occurs after the word "has," and inserting the word "not" after the word "had" in same line.

Adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out of Section 1, line 19, the word "not" where it occurs after the word "has," and inserting the word "not" after the word "had" in same line.

Adopted.

COMMITTEE AMENDMENT NO. 4.

The medical superintendents, assistant physicians, and treasurers shall hold during good behavior, not to exceed four years, whether they now hold said offices or be elected or appointed hereafter. Any medical superintendent, assistant physician, or treasurer of any State Hospital, may be removed by a majority vote of the Board of Managers for cause; such cause must be stated in writing and served on the officer charged; should he be removed on such hearing, his removal shall be final, if approved by the Governor.

Mr. Belshaw moved to amend Committee Amendment No. 4 as follows:

By striking out the following: "If approved by the Governor."

The ayes and noes were demanded by Messrs. Wade, Jilson, and Marvin.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Belshaw, Boone, Brooke, Brown, Burnett, Caminetti, Cargill, Cosper, Cowan, De Lancia, Fairweather, Feliz, Glenn, Griffin, Hanley, Hoey, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, McDonald of Alameda, Mead, Meserve, Milice, Muentner, O'Brien, Radcliff, Raw, Robinson, Sanford, Stewart, E. D. Sullivan, Wardell, and White—36.

NOES—Messrs. Americh, Atherton, Barry, Beecher, Blood, Chynoweth, Clough, Cobb, Conrey, Devoto, Dibble, Dunlap, Jilson, Kelley, Kelsey, Kenneally, Marvin, McDonald of Tuolumne, McKeen, Melick, Merrill, Merritt, Miller of Los Angeles, Miller of San Francisco, Pierce, Raub, Rickard, Eugene Sullivan, Valentine, Wade, and Mr. Speaker—31.

Mr. Belshaw moved to amend Committee Amendment No. 4, as follows:

Strike out the word "cause" after the word "for" and insert the following: "misconduct, incompetency, or neglect of duty."

Carried.

Mr. Belshaw moved to amend Committee Amendment No. 4, as follows:

Strike out the word "cause" after the word "such" and insert the following: "charges."

Carried.

Committee Amendment No. 4 as amended adopted.

Assembly Bill No. 23 ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 1—Relating to an application by the Legislature of the State of California to the Congress of the United States, to call a convention for proposing amendments to the Federal Constitution on the question of the election of Senators in Congress—have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

Also: Assembly Joint Resolution No. 2—Relative to right of absolute dominion, etc., over Nicaragua Canal—have had same under consideration, and respectfully report the same back without recommendation.

DALE, Chairman

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 20—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending

defective locations, and prescribing the effect to be given to recordation of notices of location—have had the same under consideration, and respectfully report the same back without recommendation.

ROBINSON, Chairman.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Also, Assembly Bill No. 22—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

F. J. BRANDON, Secretary of Senate.

By F. L. THOMAS, Assistant Secretary.

Assembly Bill No. 22 ordered to enrollment.

SUBSTITUTION OF BILL.

Mr. Wade moved that Senate Bill No. 13 be substituted for Assembly Bill No. 19.

So ordered.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended by the Conference Committee, Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

F. J. BRANDON, Secretary of Senate.

By F. L. THOMAS, Assistant Secretary.

CONSIDERATION OF REPORT OF COMMITTEE OF CONFERENCE.

Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature.

The question being, "Shall the Assembly concur in the amendment of the Committee of Conference?" as follows:

Striking out the words 'three thousand five hundred dollars,' on line 1, Section 1, printed bill, and substituting the following: "four thousand five hundred dollars."

The roll was called, and the Assembly concurred by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Conrey, Cosper, Cowan, Crowley, Dale, De Lancie, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Jilson, Kelsey, Kenneally, Knights, Knowland, La Baee, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Miller of Los Angeles, Miller of San Francisco, Muentert, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, and Mr. Speaker—68.

NOES—None.

Assembly Bill No. 13 ordered to enrollment.

MESSAGES FROM THE SENATE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, February 7, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 5—Relative to adjournment on February 10, 1900, at twelve o'clock M.

Also: Passed Senate Bill No. 11—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

F. J. BRANDON, Secretary of Senate.

By F. L. THOMAS, Assistant Secretary.

Senate Bill No. 11 ordered placed on Senate special file, without reference to committee.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day received the message from your honorable body requesting the return of Senate Constitutional Amendment No. 3—Relative to amendment of Article XI of the Constitution, relative to charters—for correction, and herewith return the same.

F. J. BRANDON, Secretary of Senate.

By F. L. THOMAS, Assistant Secretary.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Mr. Dibble moved that the Assembly do now consider Senate Constitutional Amendment No. 3.

So ordered.

Mr. Dibble moved to amend as follows:

Strike out, after the title, the words "The Legislature of the State of California, at its thirty-third session, two thirds of all the members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California, the following amendment to section eight of article eleven of the Constitution," and insert the following: "The Legislature of the State of California, at its extraordinary session, commencing on the twenty-ninth day of January, nineteen hundred, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to section eight, article eleven of the Constitution."

Adopted.

Senate Constitutional Amendment No. 3 ordered to printer.

CONSIDERATION OF JOINT RESOLUTION.

Mr. Caminetti moved that the Assembly do now consider Assembly Joint Resolution No. 1.

So ordered.

ASSEMBLY JOINT RESOLUTION NO. 1.

Relating to an application by the Legislature of the State of California to the Congress of the United States to call a convention for proposing amendments to the Federal Constitution on the question of the election of Senators in Congress.

WHEREAS, The present method of electing Senators of the United States has become unsatisfactory to a large majority of the people of the United States; and

WHEREAS, The several States, including California, have applied to the Congress of the United States for the submission, in the manner prescribed by the Federal Constitution, of an amendment thereof, providing that such Senators shall be elected by popular vote, and

WHEREAS, These applications, while receiving the favorable action of the National House of Representatives, have been made without success to the Senate of the United States; and

WHEREAS, The people of the State of California have, at an election by direct vote, declared almost unanimously in favor of the election of such Senators by the people; therefore, be it

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California hereby applies to the Congress of the United States, under article five of the Constitution of the United States, to call a convention for proposing amendments to the Federal Constitution on the question of the election of Senators in the Congress, and such other subjects as the public welfare may demand; and that a duly authenticated copy of the foregoing preamble and this application be forwarded to the Senate and House of Representatives of the United States, and to our Senators and Representatives in Congress.

Assembly Joint Resolution No. 1 read.

Mr. Johnson moved to amend as follows:

Strike out from the word "and," in line 6, page 2, to and including the word "demand," in line 7, page 2, printed bill.

So ordered.

Assembly Joint Resolution No. 1 ordered to printer.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Senate Constitutional Amendment No. 1—Proposition to amend Article VI of the Constitution, relating to the judicial department—reports the same back with two amendments, and recommends that it do pass as amended.

Also: Assembly Constitutional Amendment No. 1—A proposition proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated as section seven and one half ($7\frac{1}{2}$), article eleven thereof, providing for the framing, by the inhabitants of counties, of local county government acts for their own government—and reports the same back with one amendment, and recommends that it do pass as amended.

Also: Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to article two thereof, to be known as section number six, permitting the expression by ballot by the people of their preference for the office of United States Senator—and reports the same back, and recommends that it do pass.

Also: Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5, of Article XI, relative to the compensation of county and township officers—and reports same back, with the recommendation that it do not pass.

Also: Assembly Constitutional Amendment No. 3—Amending Section 32, Article IV, of the Constitution—and reports the same back with the recommendation that it do pass.

Also: Assembly Bill No. 1—An Act to amend Section 3494 of the Political Code of the State of California—and reports the same back with the recommendation of a majority that it do not pass.

Also: Assembly Bill No. 2—An Act to add a new section to the Political Code of the State of California, to be known as Section 3494 $\frac{1}{2}$, relating to the suspension and sale of the lands of the State—and reports the same back with the recommendation of a majority that it do not pass.

Also: Assembly Bill No. 10—An Act to provide for the removal by the Governor of all officers and commissioners appointed by the Governor whose terms of office are not fixed by the Constitution—and reports the same back with the recommendation of a majority that it do not pass.

Also: Assembly Bill No. 11—An Act to provide for the suspension for cause, by the Governor, of officers or commissioners appointed by the Governor and confirmed by the Senate—and reports the same back with the recommendation of a majority that it do not pass.

JOHNSON, Chairman.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Mr. Johnson moved that the Assembly do now consider Senate Constitutional Amendment No. 1.

So ordered.

The following committee amendments were submitted:

COMMITTEE AMENDMENT No. 1.

Amend by striking out all of Section 6, on pages 8 and 9, of the printed amendment, and substituting in lieu thereof the following:

"SECTION 6. There shall be in each of the organized counties, or cities and counties, of the State, a Superior Court, for each of which at least one Judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are Judges thereof. The said Judges shall choose, from their own number, a Presiding Judge, who may be removed at their pleasure. He shall distribute the business of the court among the Judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the Judges of said courts, respectively, shall be equally effectual as if all the Judges of said respective courts presided at such session. In the county of Los Angeles there shall be elected six such Judges; in the county of Alameda, four such Judges; in each of the counties of Sacramento and Santa Clara, three such Judges; and in each of the counties of San Joaquin, Sonoma, San Bernardino, Fresno, Humboldt, and San Diego, two such Judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a Judge to fill the vacancy, which election shall take place at the next succeeding general election, and the Judge so elected shall hold office for the remainder of the unexpired term."

Adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out all of Section 17 after the word "monthly," in line 10, of Section 17, on page 11, of the printed amendment

Adopted.

Senate Constitutional Amendment No. 1 ordered to printer.

COMMITTEE AMENDMENT No. 1.

Amend by striking out on line 59, page 3 of printed bill, after the word "deputies," down to and including "election," on line 67.

Adopted.

Assembly Constitutional Amendment No. 1 ordered to printer.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Brown, the Assembly took a recess until two o'clock P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock P. M.
Speaker Anderson in the chair.

MOTION.

Mr. Dibble moved that the Assembly do now consider Assembly Bill No. 2.

So ordered.

SECOND READING OF BILL.

Assembly Bill No. 2—An Act to add a new section to the Political Code of the State of California, to be known as Section 3494½, relating to the suspension and sale of the lands of the State.

Read second time.

Mr. Dibble moved to amend as follows:

Strike out of Section 1 all after the word ' sale,' in line 9 of the printed bill, down to end of Section 1.

Adopted.

Mr. Cowan moved to amend as follows:

After word "sale," on line 9, add the following: "Nothing in this Act shall affect the priority or right of any applicant whose application has been made for the purchase of any such lands before such proclamation is issued."

Adopted.

Assembly Bill No. 2 ordered to printer, engrossment, and third reading.

REPORT OF STANDING COMMITTEE.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Concurrent Resolution No. 5—Relative to adjournment *sine die*—have had the same under consideration and beg leave to report, and recommend that the same be adopted.

VALENTINE, Chairman.

SPECIAL ORDER SET.

Senate Concurrent Resolution No. 5 made special order for to-morrow at three o'clock P. M.

INTRODUCTION OF JOINT RESOLUTIONS.

By Mr. Dale: Assembly Joint Resolution No. 3—Relative to Government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities.

Read, and made special order for to-morrow immediately after reading of Journal.

By Mr. Caminetti: Assembly Joint Resolution No. 4—Relating to the report of the California Debris Commission.

WHEREAS, The California Debris Commission has, in the report concerning debris dams and restraining works recently submitted to the Secretary of War, recommended a system which is claimed to be safe, practicable, and economical; and

WHEREAS, In order to secure the inauguration and construction thereof, the appropriations recommended by said commission should be made without delay; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives in Congress be requested, to urge the approval of said report and the publication thereof, and to use all honorable means to secure the appropriations required to put into execution the plans recommended therein; be it further

Resolved, That a copy of this resolution, duly attested, be transmitted to each Senator and Representative in Congress from the State of California.

Read, and made special order for to-morrow immediately after reading of Journal.

SENATE SPECIAL FILE.

Mr. Valentine moved that Assembly Bill No. 18 and Senate Bill No. 1 be made special order for three o'clock and thirty minutes P. M. of this day.

Motion lost.

Senate Bill No. 1—An Act to repeal an Act entitled "An Act to regu-

late the width of tires of wagons to be used on the public highways of the State of California," approved March 20, 1897.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brown, Clough, Cobb, Cowan, Crowley, Dale, Devoto, Dibble, Feliz, Greenwell, Griffin, Hauley, Hoey, Huber, Jilson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Melick, Merritt, Meserve, Milce, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Robinson, Sanford, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Mr. Speaker—58.

NOES—Messrs. Conrey, Cosper, De Lancie, Fairweather, and Glenn—5.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Melick gave notice that on next legislative day he would move to reconsider the vote whereby Senate Bill No. 1 was this day finally passed.

SENATE SPECIAL FILE—(RESUMED).

Senate Constitutional Amendment No. 2—Relative to compensation of county and township officers.

Mr. Dibble moved that further consideration of the amendment be postponed indefinitely.

So ordered.

MOTION.

Mr. Wade moved that the Assembly do now consider Senate Bill No. 13.

So ordered.

RESOLUTION OF URGENCY.

By Mr. Wade:

Resolved, That Senate Bill No. 13 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section, requiring that the bill shall be read on three several days in each house, is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brown, Caminetti, Cargill, Clough, Cobb, Conrey, Cosper, Crowley, Dale, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Henry, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Melick, Merritt, Milce, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, Valentine, Wade, Wardell, and Mr. Speaker—61.

NOES—Mr. E. D. Sullivan—1.

CASE OF URGENCY.

Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons,

and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Read second time.

Senate Bill No. 13—An Act to repeal Section 19 of Article III of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Brown, Burnett, Cargill, Cobb, Conrey, Cosper, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn, Henry, Huber, Jilson, Johnson, Kelley, Kelsey, Kenneally, Knights, Knowland, La Bree, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Milice, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raub, Rickard, Sanford, Stewart, Eugene Sullivan, Valentine, Wade, and Mr. Speaker—57.

NOES—Messrs. Boone, Meserve, Muentner, and E. D. Sullivan—4.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly re-engrossed:

Assembly Bill No. 18—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

RICKARD, Chairman.

RESOLUTION OF URGENCY.

By Mr. Melick:

Resolved, That Senate Bill No. 11 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that a bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and be placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Conrey, Cosper, Cowan, Crowley, Dale, De Lancie, Devoto, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelsey, Kenneally, Knights, Knowland, La Bree, Lundquist, Mack, McDonald of Alameda, McDonald of Tuolumne, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Raub, Robinson, Sanford, Stewart, E. D. Sullivan, Valentine, Wade, Wardell, and White—57.

NOES—Messrs. Bliss, Blood, Cargill, Clough, Cobb, Dibble, Le Baron, Lardner, Marvin, McKeen, Raw, Rickard, Eugene Sullivan, and Mr. Speaker—14.

SUBSTITUTION OF BILL.

Mr. Valentine moved that Senate Bill No. 11 be substituted for Assembly Bill No. 18.

SECOND READING OF BILL.

Senate Bill No. 11—An Act to regulate the width of tires of wagon wheels to be used on the public highways of the State of California.

Read second time.

Mr. Dibble moved to amend by striking out the enacting clause .

The ayes and noes were demanded by Messrs. Dale, Huber, and Lardner.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arnerich, Barry, Beecher, Bliss, Blood, Boynton, Cargill, Clough, Cobb, Cowan, Crowley, Devoto, Dibble, Feliz, Glenn, Greenwell, Hanley, Henry, Hoey, Jilson, Kelley, Kelsey, Kenneally, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Muenfer, O'Brien, Raleigh, Raub, Raw, Rickard, Eugene Sullivan, E. D. Sullivan, Wade, Wardell, and Mr. Speaker—42.

NOES—Messrs. Atherton, Belshaw, Boone, Brooke, Brown, Burnett, Caminetti, Conrey, Cosper, Dale, De Lancie, Dunlap, Fairweather, Griffin, Huber, John-on, Knights, Knowland, La Barea, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, Pierce, Robinson, Sanford, Stewart, Valentine, and White—31.

MOTION.

Mr. Belshaw moved that the Assembly do now consider messages from the Governor.

So ordered.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 8, 1900

To the Assembly of the State of California

I have the honor to inform your honorable body that I have approved Assembly Bill Number Twenty-one (21), entitled "An Act making an appropriation to pay the per diem and mileage of Assemblymen for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year."

HENRY T. GAGE,
Governor of the State of California.

INTRODUCTION OF JOINT RESOLUTION.

By Mr. Knowland: Assembly Joint Resolution No. 5—Relative to the surveys of public lands of the State of California.

Read, and referred to Committee on Federal Relations.

SECOND-READING FILE.

Assembly Bill No. 1 withdrawn by author.

Assembly Bills Nos. 2, 4, 11, 20, 24 passed on file.

Assembly Constitutional Amendment No. 1 passed on file.

Assembly Bill No. 10—An Act to provide for the removal by the Governor of all officers and commissioners appointed by the Governor whose terms of office are not fixed by the Constitution.

Read second time, and ordered to engrossment and third reading.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to article two thereof, to be known as section number six, permitting the expression by ballot by the people of their preference for the office of United States Senator.

The Legislature of the State of California, at its extraordinary session convened on the twenty-ninth day of January, Anno Domini nineteen hundred, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that a new section be added to the Constitution of the State of California, to be known and designated as section six, article two, thereof, as follows:

SECTION 6. The Legislature shall provide that at the general election immediately preceding the expiration of the term of a United States Senator from this State, the

electors may by ballot express their preference for some person for the office of United States Senator. The votes cast for such candidates shall be canvassed and returned in the same manner as for State officers.

Constitutional amendment read.

The roll was called, and Assembly Constitutional Amendment No. 2 adopted by the following vote:

AYES—Messrs. Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brown, Burnett, Caminetti, Chynoweth, Cobb, Conrey, Cosper, Cowan, Crowley, Dale, De Lancia, Dunlap, Fairweather, Feliz, Greenwell, Griffin, Hanley, Hoey, Huber, Jilson, Johnson, Kelley, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, McDonald of Alameda, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Robinson, Sanford, Stewart, E. D. Sullivan, Wade, Wardell, White, and Mr. Speaker—57.

NOES—Mr. Clough—1.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 3.

An Act amending Section 32, Article IV of the Constitution.

The Legislature of the State of California at its (extra) session commencing on the twenty-ninth day of January, nineteen hundred, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that section thirty-two, article four of the Constitution of the State of California be amended so as to read as follows:

SECTION 32. (Article IV of the Constitution). The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered or contract has been entered into and performed in whole or in part, nor to pay or to authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authorization of law, and all such unauthorized agreements or contracts shall be null and void; *provided*, that all supplies actually furnished, and all services actually rendered the State under the authority or appointment of any State officer, which was subsequently ratified or confirmed by any joint or concurrent resolutions of the Legislature heretofore adopted, shall be paid for according to the terms and tenor of such resolutions.

CALL OF THE HOUSE.

Pending roll call, Mr. Johnson moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clough, Cobb, Cosper, Cowan, Crowley, Dale, De Lancia, Devoto, Dibble, Dunlap, Fairweather, Feliz, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Knights, Knowland, La Barea, Le Baron, Mack, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Mr. Speaker—68.

Mr. Johnson moved that further proceedings under call of the House be dispensed with.

So ordered.

Roll call resumed, with the following result:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boynton, Brown, Caminetti, Cargill, Chynoweth, Cobb, Cosper, Cowan, Crowley, Dale, De Lancia, Devoto, Dibble, Fairweather, Feliz, Greenwell, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Raub, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, and Mr. Speaker—58.

NOES—Messrs. Burnett, Conrey, Dunlap, Kelsey, Radcliff, Raw, Wade, and Wardell—8.

Whereupon the Speaker announced that Assembly Constitutional Amendment No. 3 was adopted.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 13—An Act making an appropriation to pay the printing expenses of the extra session of the thirty-third Legislature

Assembly Bill No. 22—An Act making an appropriation for pay of officers and clerks of the Assembly for the extra session of the thirty-third Legislature of the State of California, during the fifty-first fiscal year.

And delivered the same to the Governor for his signature February 8, 1900, at three o'clock and twelve minutes p. m.

RICKARD, Chairman.

WITHDRAWAL OF BILL.

Assembly Bill No. 4 withdrawn by the author.

MOTION.

Mr. Dibble moved to adjourn until ten o'clock and thirty minutes A. M. of Friday, February 9, 1900.

Ayes and noes were demanded by Messrs. Crowley, Hanley, and E. D. Sullivan.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arnerich, Barry, Belshaw, Bliss, Blood, Boone, Boynton, Brown, Caminetti, Chynoweth, Clough, Cobb, Cowan, Dale, De Lancie, Dibble, Dunlap, Fairweather, Feliz, Greenwell, Griffin, Huber, Johnson, Kelsey, Knights, Knowland, Le Baron, Lardner, Mack, McDonald of Alameda, McDonald of Tuolumne, Mead, Melick, Merrill, Merritt, Meserve, Milce, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Radchft, Rickard, Robinson, Eugene Sullivan, Valentine, Wade, Wardell, White, and Mr. Speaker—50.

NOES—Messrs. Beecher, Crowley, Hanley, Hoey, O'Brien, Stewart, and E. D. Sullivan—7.

ADJOURNMENT.

At four o'clock and five minutes p. m., the Speaker declared the Assembly adjourned until ten o'clock and thirty minutes A. M. of Friday, February 9, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 9, 1900. }

The Assembly met at ten o'clock and thirty minutes A. M., pursuant to adjournment.

Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Cobb, Conrey, Cosper, Cowan, Crowley, Dale, De Lancie, Devoto, Dibble, Dunlap, Fairweather, Feliz, Glenn,

Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kelsey, Knights, Knowland, La Barea, Le Baron, Lardner, Lundquist, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muenster, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Mr. Speaker—74

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING AND APPROVAL OF JOURNAL.

Pending the reading of the Journal of Thursday, February 8, 1900, the further reading was dispensed with, on motion of Mr. McKeen.

The Journal of Thursday, February 8, 1900, was read and approved.

MOTIONS.

Mr. Melick moved that the notice of motion to reconsider the vote on Senate Bill No. 1, made on yesterday, be laid on the table.

So ordered.

Mr. Dibble moved that Senate Bill No. 1 be immediately transmitted to the Senate.

So ordered.

SPECIAL ORDERS.

ASSEMBLY JOINT RESOLUTION No. 4

Relating to the report of the California Debris Commission.

WHEREAS, The California Debris Commission has, in the report concerning debris dams and restraining works recently submitted to the Secretary of War, recommended a system which is claimed to be safe, practicable, and economical; and

WHEREAS, In order to secure the inauguration and construction thereof, the appropriations recommended by said commission should be made without delay, therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives in Congress be requested, to urge the approval of said report and the publication thereof, and to use all honorable means to secure the appropriations required to put into execution the plans recommended therein; be it further

Resolved, That a copy of this resolution, duly attested, be transmitted to each Senator and Representative in Congress from the State of California.

Read and adopted.

REPORT OF STANDING COMMITTEE.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: Your Committee on Judiciary, having had under consideration Assembly Bill No. 24—An Act to provide for the removal by the Governor of officers and commissioners appointed by the Governor, whose terms of office are not fixed by the Constitution—reports the same back, without recommendation.

Also Senate Joint Resolution No. 2—Relative to the election of United States Senators by direct vote of the people—reports the same back, and a majority recommend its passage.

JOHNSON, Chairman.

Assembly Bill No. 24 ordered on second-reading file.

Senate Joint Resolution No. 2 ordered on file.

WITHDRAWAL OF BILL.

Mr. Merritt, the author, was granted unanimous consent to withdraw Assembly Bill No. 24.

MOTION.

Mr. Caminetti moved that the Assembly do now consider Assembly Joint Resolution No. 3.

So ordered.

Assembly Joint Resolution No. 3—Relative to Government lands containing petroleum, asphaltum, and other valuable minerals.

Read, and on motion of Mr. Johnson temporarily passed on file.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Mr. Dibble moved that the Assembly do now consider Senate Constitutional Amendment No. 3.

So ordered.

SENATE CONSTITUTIONAL AMENDMENT NO. 3.

A resolution to propose to the people of the State of California an amendment to section eight, article eleven, of the Constitution of the State of California, relating to charters.

The Legislature of the State of California, at its extraordinary session, commencing on the twenty-ninth day of January, nineteen hundred, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to section eight, article eleven of the Constitution.

Section eight of article eleven of the Constitution is hereby amended so as to read as follows:

Section 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereby, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Amendment read.

The roll was called, and Senate Constitutional Amendment No. 3 adopted by the following vote :

AYES—Messrs. Arnerich, Atherton, Barry, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Burnett, Caminetti, Chynoweth, Clough, Cobb, Cowan, Dale, De Lancie, Dibble, Dunlap, Fairweather, Feliz, Glenn, Hanley, Henry, Hoey, Jilson, Johnson, Kelsey, Knights, Knowland, La Bree, Le Baron, Lardner, Mack, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milce, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, and Mr. Speaker—51.

NOES—None.

MOTION TO RECONSIDER.

Mr. Dibble moved to reconsider the vote whereby Senate Concurrent Resolution No. 5 was made special order for three o'clock and thirty minutes p. m. of this day.

So ordered.

Mr. Belshaw moved that the Assembly do now consider Senate Concurrent Resolution No. 5.

So ordered.

SENATE CONCURRENT RESOLUTION NO. 5.

Relative to adjournment *sine die*.

Resolved by the Senate, the Assembly concurring. That the two houses adjourn *sine die* at twelve noon on Saturday, February tenth, nineteen hundred.

Resolution read and adopted.

RESOLUTION.

By Mr. Mead:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of C. W. Kyle, Chief Clerk of the Assembly, for the sum of forty-five dollars (\$45), to pay for engrossing the resolutions paying tribute to patriotic services of the Hon. Stephen M. White, and the State Treasurer is authorized to pay the same.

Adopted.

SECOND-READING FILE.

Assembly Bill No. 10—An Act to provide for the removal by the Governor of all officers and commissioners appointed by the Governor whose terms of office are not fixed by the Constitution.

Passed on file.

Assembly Bill No. 11—An Act to provide for the suspension for cause, by the Governor, of officers or commissioners appointed by the Governor and confirmed by the Senate.

Passed on file.

Assembly Bill No. 20 was withdrawn by author.

Assembly Bill No. 23—An Act to amend Section 5 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

Passed on file.

Assembly Constitutional Amendment No. 1—A proposition proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be known and designated

as section seven and one half (7½), article eleven thereof, providing for the framing, by the inhabitants of counties, of local county government acts for their own government.

Resolution read.

Mr. Fairweather moved its adoption.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Barry, Belshaw, Blood, Boone, Boynton, Brown, Burnett, Caminetti, Cosper, Cowan, Dale, Fairweather, Glenn, Griffin, Hanley, Hoey, Johnson, La Barea, Le Baron, Mack, McDonald of Tuolumne, Mead, Melick, Merritt, Meserve, Milice, Miller of Los Angeles, O'Brien, Pierce, Radcliff, Sanford, Stewart, E. D. Sullivan, Wardell, and White—35.

NOES—Messrs. Arnerich, Atherton, Beecher, Bliss, Brooke, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, De Lancei, Devoto, Dibble, Dunlap, Fehz, Huber, Jilson, Kelley, Kenneally, Knowland, Lardner, Marvin, McDonald of Alameda, McKeen, Merrill, Miller of San Francisco, Raw, Rickard, Valentine, Wade, and Mr. Speaker—32.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Belshaw:

Resolved, That no bill be considered by the Assembly after twelve o'clock and thirty minutes P. M. to-day.

Resolution adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 5—Relative to the survey of public lands in California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

DALE, Chairman.

MOTION.

Mr. Johnson moved that the Assembly do now consider Assembly Bill No. 2, and that the bill be considered engrossed.

So ordered.

THIRD READING OF BILL.

Assembly Bill No. 2—An Act to add a new section to the Political Code of the State of California, to be known as Section 3494½, relating to the suspension and sale of the lands of the State.

Read third time.

The question being on the final passage of the bill.

CALL OF THE HOUSE.

Pending roll call, Mr. Johnson moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Cosper, Cowan, Crowley, Dale, De Lancei, Devoto, Dibble, Fairweather, Fehz, Glenn, Griffin, Hanley, Henry, Hoey, Jilson, Johnson, Kelley, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Mr. Speaker—70.

Mr. Dibble moved that further proceedings under the call of the House be suspended.

So ordered.

The roll call was completed, and the bill passed by the following vote:

AYES—Messrs. Arnerich, Barry, Beecher, Bess, Brooke, Caminetti, Chynoweth, Clark, Clough, Cobb, Cospet, Crowley, Dale, Devoto, Dibble, Dunlap, Fairweather, Henry, Huber, Jilson, Johnson, Kelley, Kenneally, Knights, Knowland, Le Baron, Lardner, Marvin, McDonald of Alameda, McKeen, Melick, Merrill, Merritt, Miller of Los Angeles, Miller of San Francisco, Pierce, Raub, Rickard, Robinson, Eugene Sullivan, Valentine, Wade, and Mr. Speaker—43

NOES—Messrs. Atherton, Belslaw, Blood, Boone, Boynton, Brown, Burnett, Cargill, Cowan, De Lencie, Feliz, Glenn, Griffin, Hanley, Hoey, La Barea, Mack, McDonald of Tuolumne, Mead, Meserve, Milice, O'Brien, Radcliff, Raw, Sanford, Stewart, E. D. Sullivan, Wadell, and White—29.

Title read and approved.

Mr. Dibble moved that the bill be immediately transmitted to the Senate.

So ordered.

CONSIDERATION OF CONCURRENT RESOLUTION.

Mr. Johnson introduced Assembly Concurrent Resolution No. 3, and moved its adoption, as follows:

ASSEMBLY CONCURRENT RESOLUTION NO. 3.

Relative to accommodations for the Legislature.

WHEREAS, The present accommodations in the State Capitol building are inadequate for the purpose of the Legislature of the State, therefore, be it

Resolved by the Assembly, the Senate concurring, That the State Capitol Commission be requested to cause to be prepared, under the supervision of the Department of Highways, sketch plans for the construction of proper committee rooms, and other accommodations for the Legislature, together with an estimate of cost for the same, which shall be submitted to the next regular session of the Legislature.

Resolution adopted.

MOTION.

Mr. Johnson moved that Senate Constitutional Amendment No. 1, Senate Joint Resolution No. 2, and Assembly Joint Resolution No. 1 be now considered.

So ordered.

SENATE CONSTITUTIONAL AMENDMENT NO. 1.

Proposition to amend Article VI of the Constitution, relating to the Judicial Department.

The Legislature of California, at its special session convened January twenty-ninth, nineteen hundred, two thirds of all the members elected to each house voting therefor, proposes, to the qualified electors of the State, the following amendment to the Constitution That Article VI be amended to read:

Article VI—Judicial Department.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county.

SECTION 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices; *provided*, that the Chief Justice and the Associate Justices in office at the time of the adoption of this amendment shall continue in office and constitute the court until the expiration of their respective terms of office; *and provided further*, that at the expiration of the term of office of the two Justices having at the time of the adoption of this amendment the shortest terms to serve, their offices shall be abolished. The presence of a majority of the Justices shall be necessary for the transaction of business (except such as may be done at chambers), and the concurrence of a majority of the Justices shall be necessary to pronounce a judgment.

The Supreme Court shall hold all of its sessions at San Francisco. There shall be

three regular sessions each year, beginning on the second Monday in January, May, and September. Special sessions may be held at any time on the order of the Chief Justice or of three Associate Justices.

The Chief Justice and the Justices of the Supreme Court shall be elected by the qualified electors of the State at large at the general State elections at the times and places at which State officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election.

If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy, which election shall take place at the next succeeding general election at which State officers are elected, and the Justice so elected shall hold the office for the remainder of the unexpired term.

The Supreme Court shall have appellate jurisdiction direct from the Superior Courts in every action, proceeding or special proceeding where is necessarily drawn in question the validity of a statute, or of an authority exercised under the United States, or where is necessarily drawn in question the validity of the Constitution or any statute of or authority exercised under this State on the ground of being repugnant to the Constitution or laws of the United States, or where is necessarily drawn in question the validity of any statute or authority exercised under this State on the ground of being repugnant to the Constitution of this State, or where is necessarily drawn in question the legality of any tax, impost or assessment; in all proceedings in exercise of the right of eminent domain; in actions or proceedings for usurpation or intrusion into, or unlawful holding of, a public franchise; also in all criminal actions (on questions of law alone) in which the judgment shall be death or imprisonment for life; and also in all cases in which the fact of the adoption by a city, or a city and county, of a charter for its own government, or the validity of the same, or any part thereof, or of any authority exercised thereunder, is necessarily drawn in question. It shall also have appellate jurisdiction in every action, proceeding or special proceeding determined by any District Court of Appeal the record in which may, by order pursuant to the further provisions on these subjects hereinafter contained in this article, be directed to be transmitted to it. It shall also have jurisdiction in every action, proceeding and special proceeding which shall actually have been submitted to it for decision before the organization of the District Courts of Appeal established by this article, and of every pending cause which shall not be transferable to the District Courts of Appeal as hereinafter provided. And in all cases in which the Supreme Court shall acquire jurisdiction it shall have further jurisdiction to decide all questions properly presented on the record, whether or no they be such as of themselves would entitle the court to take jurisdiction of the cause.

SECTION 3. The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal consisting of three Justices. There shall in each year be four regular sessions of each District Court of Appeal, commencing on the second Monday in February, May, August and November. Special sessions may be held at any time upon the order of the court.

The first appellate district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito. The official designation of the District Court of Appeal in this District shall be "The Court of Appeal of the State of California in and for the First District," and it shall hold its sessions at the City and County of San Francisco.

The second appellate district shall embrace the following named counties in the State: Fresno, Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego. The official designation of the District Court of Appeal for this district shall be: "The Court of Appeal of the State of California in and for the Second District," and the court shall hold its sessions at the City of Los Angeles.

The third appellate district shall embrace the following named counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Tuolumne, Alpine, Mono, Mariposa, Madera, and Merced. The official designation of the District Court of Appeal of this district shall be "The Court of Appeal of the State of California in and for the Third District," and the court shall hold its sessions at the City of Sacramento.

The Legislature may remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general State elections, at the times and places at which State officers are elected, and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding the election; *provided*, that on or before the first day of January after this amendment takes effect the Governor shall appoint three Justices for each District Court of Appeal, to hold office until qualification of Justices to be elected at the next succeeding general election. The Justices of each District Court of Appeal so elected at the first election shall, at their first meeting, so classify themselves by lot that one of them shall go out of office at the end of four years, one at the end of eight years, and the third at the end of twelve years. An entry of such classification shall be made in the minutes of the

court, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State.

If a vacancy occur in the office of a Justice of the District Court of Appeal the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy. Such election shall take place at the next succeeding general election at which State officers are elected, and the Justice so elected shall hold the office for the remainder of the unexpired term.

The Justices of each of the District Courts of Appeal shall elect one of their number as a Presiding Justice. The presence of three Justices shall be necessary for the transaction of any business by such court, and the concurrence of two Justices shall be necessary to pronounce a judgment.

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining Justices may select one of the Justices of a District Court of Appeal to act pro tempore in the place of the Justice so disqualified or unable to act. Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Chief Justice may appoint a Judge of a Superior Court, who has not acted in the cause in the court below, to act pro tempore in the place of the Justice so disqualified or unable to act. A Justice of one District Court of Appeal may at any time sit as a Justice pro tempore in any other District Court of Appeal upon the written request of any Justice of said court; every Justice pro tempore of the Supreme Court or of the District Court of Appeal, while acting as such, shall have the same power and authority as the Justice of such court.

The several District Courts of Appeal shall have appellate jurisdiction in every civil action, proceeding and special proceeding commenced and determined and (on questions of law alone) in every criminal action prosecuted by indictment or information in the Superior Courts within their several appellate districts, excepting only those actions, proceedings or special proceedings in which an appeal direct to the Supreme Court from the Superior Courts is expressly allowed by this article. The statutes now in force allowing, providing for and regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as consistent with this article until the Legislature shall make provisions for appeals to said courts.

The judgments and decrees of the District Courts of Appeal shall be final in all causes embraced within their appellate jurisdiction, except in the following cases:

In any cause decided by a District Court of Appeal, if the decision of such Court of Appeal conflicts with a previous decision of the Supreme Court, or of another District Court of Appeal, the Supreme Court shall, upon petition to be filed within thirty days after entry of judgment in the District Court of Appeal, order the cause to be heard by the Supreme Court, and thereupon the record shall be transmitted to the Supreme Court, which shall hear and determine the cause.

The Supreme Court, or any Justice thereof, shall have power to issue writs of habeas corpus, and the Supreme Court shall have power to issue writs of mandamus, certiorari, and prohibition to the District Courts of Appeal, and shall likewise have power to issue all writs, orders, and process necessary or proper to the complete and effectual exercise of its appellate jurisdiction. It shall also have power to issue writs of mandamus, certiorari, and prohibition in any matter affecting a State, Congressional, or Presidential election. The District Courts of Appeal shall have power to issue within their respective districts writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, and shall likewise have power within such districts to issue all writs and orders necessary or proper to the complete and effectual exercise of their appellate jurisdiction. Each Justice of the District Courts of Appeal shall have power to issue writs of habeas corpus to any part of the appellate district in which he sits, and any such writ may be made returnable before the Justice who issued it, or the court from which it was issued, or any Justice thereof, or before any lower court of record, or before any Judge thereof.

Unless oral argument be waived by the parties with the consent of the court, every cause and matter in the Supreme Court and in any District Court of Appeal (except such applications as may be made ex parte) shall be orally argued by the parties or their counsel in open court, but this shall not prevent the courts from requiring that the points to be argued and considered, together with a list of authorities to sustain such points, shall be printed and filed before a cause is taken up for argument. Not more than twenty cases (except ex parte applications) shall be under submission for decision at any one time in the Supreme Court or in any District Court of Appeal. All decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing and the grounds of the decision shall be stated. A remittitur or mandate must issue on every judgment of said courts on or before the expiration of thirty days after the rendition thereof.

SECTION 4. The Supreme Court shall, upon the organization of the District Courts of Appeal, transfer to them respectively any causes then pending in the Supreme Court and which have not been heard as are within the class of causes over which such District Courts have appellate jurisdiction; and upon such transfer the District Courts of Appeal shall have full jurisdiction to hear and determine the same.

SECTION 5. The Superior Courts shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal hue, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony and

cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of action to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage, and of all such special cases and proceedings as are not otherwise provided for. And said courts shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State, *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof affected by such action or actions, is situated. Said courts and their judges shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

SECTION 6. There shall be in each of the organized counties, or cities and counties, of the State, a Superior Court, for each of which at least one Judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are Judges thereof. The said Judges shall choose, from their own number, a Presiding Judge, who may be removed at their pleasure. He shall distribute the business of the court among the Judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the Judges of said courts, respectively, shall be equally effectual as if all the Judges of said respective courts presided at such session. In the county of Los Angeles there shall be elected six such Judges; in the county of Alameda, four such Judges; in each of the counties of Sacramento and Santa Clara, three such Judges, and in each of the counties of San Joaquin, Sonoma, San Bernardino, Fresno, Humboldt, and San Diego, two such Judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a Judge to fill the vacancy, which election shall take place at the next succeeding general election, and the Judge so elected shall hold office for the remainder of the unexpired term.

SECTION 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the Judges of such court may hold as many sessions of said court at the same time as there are Judges thereof, and shall apportion the business among themselves as equally as may be.

SECTION 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a Judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

SECTION 9. The Legislature shall have no power to grant leave of absence to any judicial officer, and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may, at any time, two thirds of the members of the Senate and two thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county in the State; *provided*, that no such reduction shall affect any Judge who has been elected.

SECTION 10. Justices of the Supreme Court, of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers except Justices of the Peace may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the reasons therefor be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal.

SECTION 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record, except that said Justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of the liens nor the value of the property amounts to three hundred dollars.

SECTION 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature may prescribe, shall be courts of record.

SECTION 13. The Legislature shall fix by law the jurisdiction of any inferior courts

which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.

SECTION 14. The County Clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment by the several Superior Courts of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

SECTION 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office.

SECTION 16. The Legislature shall provide for the speedy and uniform publication of such opinions of the Supreme Court and of the District Courts of Appeal as may be ordered by said courts respectively, and all such opinions shall be free for publication by any person.

SECTION 17. The Justices of the Supreme Court and Judges of the Superior Courts shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election nor during the term for which they shall have been elected, which compensation shall be paid by the State. Until otherwise changed by the Legislature, the annual salaries of the Justices of the Supreme Court shall be six thousand dollars each, and the Superior Court Judges shall receive the salaries now allowed by law, payable monthly.

SECTION 18. The Justices of the District Courts of Appeal shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election nor during the term for which they shall have been elected. The salaries of the Justices of the District Courts of Appeal shall be paid by the State. Unless otherwise changed by the Legislature, the annual salaries of the Justices of the District Courts of Appeal shall be six thousand dollars each.

SECTION 19. The Justices of the Supreme Court, of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

SECTION 20. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SECTION 21. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SECTION 22. The Supreme Court shall appoint a clerk of that court, but the present clerk of the court shall hold office until the expiration of his term of office, a phonographic reporter, and a bailiff, who shall severally hold his office and be removable at the pleasure of the court. Each District Court of Appeal shall appoint a clerk, phonographic reporter and bailiff, who shall severally hold his office and be removable at the pleasure of the court by which he is appointed. The Supreme Court shall appoint a reporter of decisions, who shall appoint an assistant reporter for each of the District Courts of Appeal. All of said officers shall hold office and be removable at the pleasure of the Supreme Court. The decisions of the District Courts of Appeal shall be published in the same volumes with the opinions of the Supreme Court under the same general title of California Reports; and all statutes in relation to the publication of the opinions of the Supreme Court shall be deemed to apply to the publication of the decisions of the District Courts of Appeal.

SECTION 23. No Judge of a court of record shall practice law in any court of this State during his continuance in office.

SECTION 24. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

SECTION 25. No Judge of the Supreme Court, nor of a District Court of Appeals, nor of a Superior Court, shall draw or receive any monthly salary unless he shall take and subscribe an affidavit before an officer entitled to administer oaths that no cause in his court remains undecided that has been submitted for decision for the period of ninety days.

Senate Constitutional Amendment No. 1 read.

The roll was called, and the constitutional amendment adopted by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Brooke, Brown, Burnett, Cargill, Chynoweth, Clough, Cobb, Cosper, Crowley, Dale, De Lancey, Dibble, Dunlap, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kenneally, Knights, Knowland, La Barea, Le Baron, Lardner, Mack, Marvin, McDonald of Alameda, McKee, Mead, Melick, Merrill, Meritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, O'Brien, Pierce, Radcliff, Raub, Rickard, Robinson, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Valentine, Wade, Wardell, White, and Mr. Speaker—64.

NOES—None.

SENATE JOINT RESOLUTION No. 2.

Relative to the election of United States Senators by direct vote of the people.

WHEREAS, Section three of article one of the Constitution of the United States provides that "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years"; and

WHEREAS, The present system for the election of United States Senators is subject to severe public criticism and divided public opinion arising from various causes, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives be requested, to vote for the submission of an amendment to the Constitution of the United States providing for the election of Senators by the direct vote of the electors of the respective States

Resolved, That his Excellency, the Governor, be requested to transmit a copy of these resolutions to our Senators and Representatives in Congress.

Resolution read and adopted.

RESOLUTIONS.

By Mr. Rickard:

Resolved, That W. O. Banks, Sergeant-at-Arms of the Assembly, and Robert Corlett, Bookkeeper, and John Kofod, Porter, be and they are hereby employed after the final adjournment of the Assembly for the purpose of completing the work devolving upon the Sergeant-at-Arms in turning over to the Secretary of State the books, papers, and personal property in his charge and in closing up all his accounts, and completing the duties of his office with the State Controller, and that they be allowed four days' extra pay therefor; and the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

Read, and referred to Committee on Ways and Means.

By Mr. Wade:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly, and the Treasurer is hereby authorized to pay the same, for the sum of two hundred and forty-two dollars and thirty cents in favor of W. O. Banks, Sergeant-at-Arms of the Assembly, to pay for articles as per attached bills:

F. R. Pulford.....	\$37 55
George B. Stack.....	50 50
George B. Stack.....	111 25
Siller Bros.....	34 00
	<hr/>
	\$242 30

Read, and referred to Committee on Ways and Means.

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of one hundred and fifty-three dollars and fifty cents (\$153 50), in favor of W. O. Banks, Sergeant-at-Arms of the Assembly, to pay for articles as per attached bills:

Sunset Telephone Company.....	\$12 75
Sunset Telephone Company.....	6 00
Capital Artesian Water Company.....	24 00
Capital Telephone Company.....	12 50
Wyckoff, Seamans & Benedict.....	24 00
Mrs. Clara Mackall.....	6 00
W. D. Stalker.....	45 00
Fred Valentine.....	6 00
Buffalo Ice Company.....	14 00
J. J. Hillard.....	55
Post Office.....	2 70
	<hr/>
	\$153 50

Read, and referred to Committee on Ways and Means.

By Mr. Devoto:

Resolved, That L. Davis, Journal Clerk of the Assembly, and F. J. Murphy, his assistant, be and they are hereby employed after the final adjournment of the thirty-third (extra) session of the Legislature of the State of California, for the purpose of com-

pleting the work devolving upon them as Journal Clerks of the Assembly in comparing and delivering the corrected and approved Journals and the five bound copies of the same (as required by law) to the Chief Clerk of the Assembly when completed, and that they each be allowed three days' pay from and after final adjournment of the thirty-third (extra) session of the Legislature, payable out of the Contingent Fund of the Assembly; and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Read, and referred to Committee on Ways and Means.

By Mr. Johnson :

Resolved, That by and for reason of services rendered the Assembly by Charles Sheble, as Clerk to the Sergeant-at-Arms, from January 29th to February 10th, 1900, both days inclusive; also, John Kofod and W. B. Price, who have been working as porters, from January 29th to February 10th (both inclusive), the Controller of State is hereby directed to draw his warrants, one in favor of Charles Sheble for \$52, and one in favor of said John Kofod and W. B. Price for \$39, the same being the rate per diem as allowed by the statute, and the State Treasurer is hereby directed to pay said warrants out of the Contingent Fund of the Assembly.

Read, and referred to Committee on Ways and Means.

By Mr. Devoto:

WHEREAS, Section 261 of the Political Code requires the Chief Clerk and Assistant Clerks at the close of each session of the Legislature to mark and label and arrange all bills and papers of the Assembly and deliver them, with all books and archives, to the Secretary of State; and

WHEREAS, The Code requires the Minute Clerk to file with the Secretary of State all the original minutes so properly labeled and marked; therefore, be it

Resolved, That R. Q. Wickham, Minute Clerk, and his assistants, Clarke Howard and J. F. Robinson, be and each are allowed the sum of eighteen dollars (\$18) for the work to be done after the final adjournment; the same payable out of the Contingent Fund of the Assembly. The Controller is hereby directed to draw his warrants, and the Treasurer directed to pay the same.

Read, and referred to Committee on Ways and Means.

By Mr. Lardner:

Resolved, That the Postmistress, Miss Reba Blood, and Assistant Postmistress, Miss Lizzie Baxter, and the Mail Carrier, John Hillard, be and they are hereby directed to remain at the Capitol for four days after the adjournment of the Assembly, for the purpose of caring for the mail and sending the same to the members and others, and that they be allowed their regular per diem therefor, payable out of the Contingent Fund of the Assembly. And the Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby authorized to pay the same.

Read, and referred to Committee on Ways and Means.

By Mr. McKeen:

Resolved, That C. W. Kyle, Chief Clerk, be and he is hereby allowed the additional sum of one hundred dollars (\$100), and each of his four assistants be and they are hereby allowed the additional sum of fifty dollars (\$50) for staying after the adjournment of this session and completing the work of the extra session, and the State Controller is hereby directed to immediately draw his warrants in favor of said persons in said sums against the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay said warrants.

Read, and referred to Committee on Ways and Means.

By Mr. Knights:

Resolved, That H. F. Bridges, Clerk of the Ways and Means Committee, be and he is hereby allowed the additional sum of twenty-five dollars (\$25) for staying after the adjournment of this session and completing the report of the Ways and Means Committee, and the Controller is hereby directed to immediately draw his warrant against the Contingent Fund of the Assembly in said amount in favor of said H. F. Bridges, and the State Treasurer is hereby directed to pay said warrant.

Read, and referred to Committee on Ways and Means.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION.

ASSEMBLY JOINT RESOLUTION No. 1.

Relating to an application by the Legislature of the State of California to the Congress of the United States to call a convention for proposing amendments to the Federal Constitution on the question of the election of Senators in Congress.

WHEREAS, The present method of electing Senators of the United States has become unsatisfactory to a large majority of the people of the United States; and

WHEREAS, The several States, including California, have applied to the Congress of the United States for the submission, in the manner prescribed by the Federal Constitution, of an amendment thereto, providing that such Senators shall be elected by popular vote; and

WHEREAS, These applications, while receiving the favorable action of the National House of Representatives, have been made without success to the Senate of the United States; and

WHEREAS, The people of the State of California have, at an election by direct vote, declared almost unanimously in favor of the election of such Senators by the people; therefore, be it

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California hereby applies to the Congress of the United States, under article five of the Constitution of the United States, to call a convention for proposing amendments to the Federal Constitution on the question of the election of Senators in the Congress, and such other subjects as the public welfare may demand; and that a duly authenticated copy of the foregoing preamble and this application be forwarded to the Senate and House of Representatives of the United States, and to our Senators and Representatives in Congress.

Resolution read and adopted.

MOTION.

Mr. Rickard moved that the Assembly do now consider messages from the Governor.

So ordered.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 9, 1900

To the Assembly of the State of California.

I have the honor to inform your honorable body that I have approved Assembly Bills Numbers Thirteen (13) and Twenty-two (22).

HENRY T. GAGE,
Governor of the State of California.

MOTION.

Mr. Caminetti moved that Assembly Joint Resolution No. 3 be recalled from engrossment.

So ordered.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION.

Mr. Caminetti moved that Assembly Joint Resolution No. 3 be now considered.

So ordered.

ASSEMBLY JOINT RESOLUTION No. 3.

Relative to Government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities.

WHEREAS, Many thousands of acres of lands bearing petroleum, asphaltum, and other valuable minerals in paying quantities, situate in Kern, Fresno, and other counties of the State of California, have been returned by the United States Surveyor-General as agricultural lands; and

WHEREAS, Said lands are now being developed for the minerals they contain, and are producing, and will continue to produce, millions of dollars of wealth in such minerals, and thus building up an industry of immeasurable worth to the State of California; and

WHEREAS, Certain persons are now attempting fraudulently to acquire title to said lands as agricultural State lands, under an Act authorizing the State of California to take Government lands in exchange for State school lands, under an Act passed in February, eighteen hundred and ninety-one, and "relating to lieu lands to be selected by State or Territory," and also in exchange for forest reservation lands under an Act of June fourth, eighteen hundred and ninety-seven, and

WHEREAS, The sole purpose of such persons in acquiring said lands is for speculation, because of their value for oil and other minerals, and not for development purposes, thus retarding the growth of one of the most important industries in California, and thus thwarting the will of the people and the intent of our National Congress in granting certain rights to the holder of mining claims, and by high-handed robbery depriving thousands of miners of their holdings, the title to which has hitherto been held by the United States Government to be valid; therefore, be it

Resolved by the Assembly, the Senate concurring That our Senators be instructed, and our Representatives be requested, to use all honorable means to prevent the frauds which seem to be practiced upon the miners in this State, by securing the passage of such laws by the National Congress as will preclude the use of what is known as forest reservation land scrip to acquire title to these well-known mineral lands, a system now widespread here, and one of the most reprehensible known in the history of land-grabbing in California; be it further

Resolved, That the Chief Clerk of the Assembly be instructed to forthwith transmit by mail a copy hereof to our Senators and Representatives in Congress from the State of California.

Mr. Caminetti moved to amend as follows:

1. Amend by striking out the word "fraudulently" where it appears in the third preamble.
2. Amend by striking out the words "and thus," first line on second page, fourth preamble.
3. Amend by striking out the words "and by high-handed robbery" in the fourth preamble.
4. Amend by striking out all after the word "lands," line 7, page 2, ending with the word "California," in line 9.

Amendments adopted.

Assembly Joint Resolution No. 3 ordered to print.

EXTENSION OF THE HOUR OF RECESS.

At twelve o'clock and thirty minutes P. M., Mr. O'Brien moved that the hour of recess be extended ten minutes.

So ordered.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION.

Mr. O'Brien moved that the Assembly do now consider Assembly Joint Resolution No. 2.

So ordered.

Assembly Joint Resolution No. 2—Relative to right of absolute dominion, etc., over Nicaragua Canal.

Pending consideration, Mr. Belshaw moved that the hour of recess be extended ten minutes.

So ordered.

The roll was called, and Assembly Joint Resolution No. 2 lost by the following vote:

AYES—Messrs. Boone, Brooke, Burnett, Caminetti, Cowan, Crowley, Fairweather, Feliz, Griffin, Hanlev, Hoey, Mack, Meserve, O'Brien, Sanford, Stewart, Eugene Sullivan, E. D. Sullivan, Wardell, and White—20

NOES—Messrs. Atherton, Barry, Beecher, Belshaw, Bliss, Brown, Cargill, Chynoweth, Clark, Clough, Cobb, Cospier, Dale, De Lancia, Dibble, Dunlap, Huber, Jilson, Knights, Knowland, Le Baron, Lardner, Marvin, McDonald of Alameda, McDonald of Tuolumne, McKeen, Melick, Merrill, Milne, Miller of Los Angeles, Pierce, Radcliff, Raub, Rickard, Valentine, Wade, and Mr. Speaker—37.

RECESS.

At twelve o'clock and fifty-five minutes P. M., Mr. Crowley moved that the Assembly take a recess until three o'clock P. M.

So ordered.

REASSEMBLED.

The Assembly reconvened at three o'clock P. M.
Speaker Anderson in the chair.

RECESS.

At three o'clock and two minutes P. M., Mr. Brown moved that the Assembly take a recess until three o'clock and seven minutes P. M.

So ordered.

REASSEMBLED.

The Assembly reconvened at three o'clock and seven minutes P. M.
Speaker Anderson in the chair.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly engrossed:

Assembly Bill No. 23—An Act to amend Section 5 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897.

RICKARD, Chairman.

MOTIONS.

Mr. Hoey moved that the Assembly do now consider Assembly Concurrent Resolution No. 1.

So ordered.

Assembly Concurrent Resolution No. 1—Relative to war in South Africa.

Mr. Brown moved that Assembly Concurrent Resolution No. 1 be re-referred to the Committee on Federal Relations.

The ayes and noes were demanded by Messrs. Hoey, Hanley, and O'Brien.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Blood, Brown, Cargill, Conrey, Cosper, Dibble, Dunlap, Fairweather, Feliz, Henry, Johnson, Knights, Knowland, Lardner, McDonald of Alameda, McDonald of Tuolumne, McKeen, Melick, Merritt, Milce, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Raub, Raw, Rickard, Robinson, Valentine, Wade, and Mr. Speaker—36.

NOES—Messrs. Brooke, Cowan, Crowley, Dale, Griffin, Hanley, Hoey, Mack, Meserve, O'Brien, Sanford, Stewart, Wardell, and White—14.

Mr. Hanley moved that the Committee on Federal Relations be instructed to report immediately.

Mr. Brown moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. O'Brien, Hanley, and Crowley.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Arnerich, Atherton, Barry Beecher, Belshaw, Blood, Boynton, Brown, Cargill, Clough, Cobb, Conrey, Cosper, Dale, De Lancie, Dibble, Dunlap, Fairweather, Feliz, Henry, Knowland, Lardner, McDonald of Tuolumne, McKeen, Melick, Milce, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Wade and Mr. Speaker—37.

NOES—Messrs. Brooke, Cowan, Crowley, Griffin, Hanley, Hoey, Johnson, Knights, Mack, McDonald of Alameda, Mead, Merritt, Meserve, O'Brien, Sanford, Stewart, Valentine, Wardell, and White—19

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION.

Mr. Knowland moved that the Assembly do now consider Assembly Joint Resolution No. 5.

So ordered.

ASSEMBLY JOINT RESOLUTION No 5.

Relative to the survey of public lands in California.

WHEREAS, From the report of the Commissioner of the General Land Office, it appears that during the year ended June thirtieth, eighteen hundred and ninety-nine, there were added to the surveyed area of public lands in this State no more than eight thousand three hundred and eighty-seven acres, while the amount so added to such areas in other States was vastly more, and nearly two million acres in one State; and

WHEREAS, It is important for the welfare and development of California that the public surveys here should be pushed as rapidly toward completion as they are in other States, in order that our settlers on new lands can obtain their titles with the same facility as elsewhere, and

WHEREAS, It is unjust that settlers in California should be less favored than in other States.

Resolved by the Senate of the State of California, and the Assembly jointly, That our Senators in Congress be instructed, and our Representatives be requested, to urge the completion of the public surveys in this State and prompt filing of plats in the local land offices, to the end that the public lands be made available for settlement and improvement.

Mr. Hanley moved that Assembly Joint Resolution No. 5 be referred to the Committee on Federal Relations.

The ayes and noes were demanded by Messrs. Hoey, O'Brien, and Hanley.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Cowan, Griffin, Hanley, Hoey, Lardner, McDonald of Tuolumne, Meserve, O'Brien, Stewart, and Wardell—10.

NOES—Messrs. Arnerich, Atherton, Barry, Beecher, Belshaw, Blood, Boynton, Brooke, Brown, Cargill, Cobb, Conrey, Cosper, Crowley, Dale, De Lancie, Dunlap, Feliz, Henry, Huber, Johnson, Knights, Knowland, Lundquist, Mack, McDonald of Alameda, McKeen, Mead, Melick, Merritt, Milce, Miller of Los Angeles, Miller of San Francisco, Muentner, Pierce, Radcliff, Raub, Rickard, Robinson, Sanford, Valentine, Wade, White, and Mr. Speaker—44.

Assembly Joint Resolution No. 5 read and adopted.

RECESS.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Valentine, the Assembly took a recess until four o'clock and five minutes P. M.

REASSEMBLED.

The Assembly reconvened at four o'clock and five minutes P. M.
Speaker Anderson in the chair.

REPORT OF STANDING COMMITTEE.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the accompanying resolution by Mr. Rickard that W. O. Banks, Robert Corlett, and John Kofod be employed to complete the work devolving upon the Sergeant-at-Arms in closing up his accounts, etc., have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

VALENTINE, Chairman.

Resolved, That W. O. Banks, Sergeant-at-Arms of the Assembly, and Robert Corlett, bookkeeper, and John Kofod, porter, be and they are hereby employed, after the final adjournment of the Assembly, for the purpose of completing the work devolving upon the Sergeant-at-Arms, in turning over to the Secretary of State the books, papers, and personal property in his charge, and in closing up all his accounts, and completing the duties of his office with the State Controller, and that they be allowed four days' extra pay therefor. And the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the State Treasurer is hereby authorized to pay the same.

The following amendment was submitted by the committee:

Strike out the word "four" in fourth line from the bottom, and insert in lieu thereof the word "three."

Amendment adopted.

Resolution as amended adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the accompanying resolution to pay Charles Sheble, John Kofod, and W. B. Price for services from January 29th to February 10th, have had the same under consideration, and respectfully report the same back, with the recommendation that the same be adopted as amended.

VALENTINE, Chairman.

Resolved, That by and for reason of services rendered the Assembly by Charles Sheble as Clerk to the Sergeant-at-Arms from January 29th to February 10, 1900, both days inclusive; also, John Kofod and W. B. Price, who have been working as Porters, from January 29th to February 10, 1900 (both inclusive), the Controller of State is hereby directed to draw his warrants, one in favor of Charles Sheble for \$52, and one each in favor of said John Kofod and W. B. Price for \$39, the same being the rate per diem as allowed by the statutes; and the State Treasurer is hereby directed to pay said warrants out of the Contingent Fund of the Assembly.

The following amendment was submitted by the committee:

Amend the resolution of Mr. Johnson to pay Charles Sheble, John Kofod, and W. B. Price so as to read as follows:

Resolved, That Charles Sheble, who has been acting as clerk to the Sergeant-at-Arms from January 29th to February 10, 1900, both days inclusive, also, that John Kofod and W. B. Price, who have each been working as porters for the same time, be paid as follows: To the said Charles Sheble at the rate of \$4 per day, and to the said John Kofod and W. B. Price at the rate of \$3 per day for said time; and the Controller is hereby directed to draw his warrants in favor of the said Charles Sheble for the sum of \$52, and in favor of the said John Kofod for the sum of \$39, and in favor of the said W. B. Price for \$39; and the State Treasurer is hereby directed to pay said warrants out of the Contingent Fund of the Assembly.

The question being on the adoption of the substitute resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Americh, Atherton, Barry, Beecher, Belshaw, Blood, Boynton, Brown, Burnett, Caminetti, Cargill, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowley, Dale, De Lancey, Dibble, Dunlap, Fairweather, Feliz, Glenn, Hauley, Hoev, Huber, Jilson, Johnson, Kennaally, Knights, Knowland, Lardner, Lundquist, Mack, Marvin, McDonald of Tuolumne, McKeen, Melick, Merritt, Meseive, Mihce, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Rickard, Sanford, Stewart, Eugene Sullivan, Wade, White, Works, and Mr. Speaker—57.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the accompanying resolution by Mr. Lardner, that Miss Reba Blood et al be directed to remain at the Capitol after the adjournment of the Assembly, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

VALENTINE, Chairman.

Resolved, That the Postmistress, Miss Reba Blood, and Assistant Postmistress, Miss Lizzie Baxter, and the Mail Carrier, John Hillard, be and they are hereby directed to remain at the Capitol for four days after the adjournment of the Assembly, for the purpose of caring for the mail and sending the same to the members and others, and that they be allowed their regular per diem therefor, payable out of the Contingent Fund of the Assembly; and the Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby authorized to pay the same.

The committee submitted the following substitute:

Resolved, That the Postmistress, Miss Reba Blood, be and she is hereby directed to remain at the Capitol for three days after the adjournment of the Assembly, for the purpose of caring for the mail and sending the same to the members and others, and that she be allowed her regular per diem therefor, payable out of the Contingent Fund of the Assembly; and the Controller is hereby directed to draw his warrant in payment for the same, and the Treasurer is hereby authorized to pay the same.

Committee substitute adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the accompanying resolution by Mr. Devoto, that R. Q. Wickham, Minute Clerk, and his assistants, Clarke Howard and J. F. Robinson, each be allowed the sum of \$18 for work to be done after final adjournment, have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

VALENTINE, Chairman.

WHEREAS, Section 261 of the Political Code requires the Chief Clerk and Assistant Clerks, at the close of each session of the Legislature, to mark and label and arrange all bills and papers of the Assembly, and deliver them, with all books and archives, to the Secretary of State; and

WHEREAS, The Code requires the Minute Clerk to file with the Secretary of State all the original minutes, so properly labeled and marked, therefore, be it

Resolved, That R. Q. Wickham, Minute Clerk, and his assistants, Clarke Howard and J. F. Robinson, be and each are allowed the sum of eighteen dollars for the work to be done after the final adjournment, the same payable out of the Contingent Fund of the Assembly; the Controller is hereby directed to draw his warrant and the Treasurer directed to pay the same.

Resolution adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the accompanying resolution by Mr. Devoto, that L. Davis, Journal Clerk of the Assembly, and F. J. Murphy, Assistant Journal Clerk, be each allowed three days' pay from and after the final adjournment of this extra session, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

VALENTINE, Chairman.

Resolved, That L. Davis, Journal Clerk of the Assembly, and F. J. Murphy, his assistant, be and they are hereby employed after the final adjournment of the thirty-third extra session of the Legislature of the State of California, for the purpose of completing the work devolving upon them as Journal Clerks of the Assembly in comparing and delivering the corrected and approved Journals and the five bound copies of the same (as required by law) to the Chief Clerk of the Assembly when completed, and that they each be allowed three days' pay from and after final adjournment of the thirty-third extra session of the Legislature, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Resolution adopted.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred a resolution by Mr. McKeen that C. W. Kyle, Chief Clerk, be allowed the additional sum of \$100, and each of his four assistants \$50, for staying after adjournment of the extra session, have had the same under consideration, and respectfully report the same back with the recommendation that it be not adopted, for the reason that the Code allows each of the persons named in that resolution \$50 for his services after the extra session.

VALENTINE, Chairman.

Report adopted.

RESOLUTION.

By Mr. Melick :

Resolved, That the Sergeant-at-Arms, W. O. Banks, be instructed to take and to keep an itemized statement of all personal property of the Assembly turned over to the Secretary of State, and that such itemized statement be kept available for the use of the next session of the Legislature.

Adopted.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

Mr. Johnson moved that the Assembly do now consider Assembly Concurrent Resolution No. 3.

So ordered.

ASSEMBLY CONCURRENT RESOLUTION No. 3.

Relative to accommodations for the Legislature.

WHEREAS, The present accommodations in the State Capitol building are inadequate for the purposes of the Legislature of the State; therefore, be it

Resolved by the Assembly, the Senate concurring, That the State Capitol Commission be requested to cause to be prepared, under the supervision of the Department of Highways, sketch plans for the construction of proper committee rooms, and other accommodations for the Legislature, together with an estimate of costs for the same, which shall be submitted to the next regular session of the Legislature.

Resolution read and adopted, and ordered immediately transmitted to the Senate.

MOTION.

Mr. Johnson moved that the Assembly do now consider messages from the Senate.

So ordered.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 6—Relative to leave of absence of Truman Reeves, State Treasurer, from the State of California.

F. J. BRANDON, Secretary of Senate.

By F. L. THOMAS, Assistant Secretary.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION.

SENATE CONCURRENT RESOLUTION No. 6.

Relative to the consent of the Legislature to absence from the State of Truman Reeves, State Treasurer of the State of California, for a period not to exceed six months.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that Truman Reeves, State Treasurer, may depart from the State of California at any time during the remainder of his official term as State Treasurer, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Resolution read and adopted.

MOTION.

Mr. Caminetti moved that the Assembly do now consider Assembly Joint Resolution No. 3.

So ordered.

ASSEMBLY JOINT RESOLUTION NO. 3.

Relative to Government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities.

WHEREAS, Many thousands of acres of lands bearing petroleum, asphaltum, and other valuable minerals in paying quantities, situate in Kern, Fresno, and other counties, of the State of California, have been returned by the United States Surveyor-General as agricultural lands; and

WHEREAS, Said lands are now being developed for the minerals they contain, and are producing, and will continue to produce, millions of dollars of wealth in such minerals, and thus building up an industry of immeasurable worth to the State of California; and

WHEREAS, Certain persons are now attempting to acquire title to said lands as agricultural State lands, under an Act authorizing the State of California to take Government lands in exchange for State school lands, under an Act passed in February, eighteen hundred and ninety-one, and "relating to lieu lands to be selected by State or territory," and also in exchange for forest reservation lands under an Act of June fourth, eighteen hundred and ninety-seven; and

WHEREAS, The sole purpose of such persons in acquiring said lands is for speculation, because of their value for oil and other minerals, and not for development purposes, thus retarding the growth of one of the most important industries in California, thwarting the will of the people and the intent of our National Congress in granting certain rights to the locator of mining claims, and depriving thousands of miners of their holdings, the title to which has hitherto been held by the United States Government to be valid; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives be requested, to use all honorable means to prevent the frauds which seem to be practiced upon the miners in this State, by securing the passage of such laws by the National Congress as will preclude the use of what is known as forest reservation land scrip to acquire title to these well-known mineral lands, be it further

Resolved, That the Chief Clerk of the Assembly be instructed to forthwith transmit by mail a copy hereof to our Senators and Representatives in Congress from the State of California.

Resolution read and adopted.

RECESS.

At four o'clock and forty minutes P. M., Mr. Brown moved that the Assembly take a recess until four o'clock and forty-five minutes P. M.

So ordered.

REASSEMBLED.

The Assembly reconvened at four o'clock and forty-five minutes P. M. Speaker Anderson in the chair.

MOTION.

Mr. Knowland moved that the Assembly do now consider messages from the Senate.

So ordered.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 6—Relative to the survey of public lands in California.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Mr. Dibble, the Assembly adjourned until ten o'clock A. M. of Saturday, February 10, 1900.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 10, 1900. }

The Assembly met at ten o'clock A. M., pursuant to adjournment.
Speaker Anderson in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs Arnerich, Atherton, Barry, Beecher, Belshaw, Bliss, Blood, Boone, Boynton, Brooke, Brown, Burnett, Caminetti, Cargill, Chynoweth, Clark, Clough, Cobb, Conrey, Cosper, Cowan, Crowly, Dale, De Lancia, Devoto, Dibble, Fairweather, Feliz, Glenn, Griffin, Hanley, Henry, Hoey, Huber, Jilson, Johnson, Kelley, Kenneally, Knights, La Barea, Le Baron, Lardner, Lundquist, Mack, McDonald of Alameda, McDonald of Tuolumne, McKeen, Mead, Melick, Merrill, Merritt, Meserve, Milice, Miller of Los Angeles, Miller of San Francisco, Muentner, O'Brien, Pierce, Radcliff, Raub, Raw, Rickard, Robinson, Sanford, Eugene Sullivan, E. D. Sullivan, Wade, Wardell, White, Works, and Mr. Speaker—71.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING AND APPROVAL OF JOURNAL.

The Journal of Friday, February 9, 1900, was read and approved.

LEAVES OF ABSENCE.

Mr. Knowland was granted leave of absence, on motion of Mr. Clark.

Mr. Dunlap was granted leave of absence for the day, on motion of Mr. Muentner.

MOTION.

Mr. Radcliff moved that the Assembly do now consider Senate messages.

So ordered.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 9, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to adopt Assembly Constitutional Amendment No. 3—Relative to amending Section 32, Article IV of the Constitution.

Also: Refused to adopt Assembly Constitutional Amendment No. 2—Relative to permitting the expression by ballot by the people of their preference for the office of United States Senator.

Also: Adopted Assembly Joint Resolution No. 4—Relative to the report of the California Debris Commission.

Also: Adopted Assembly Concurrent Resolution No. 2—Relative to appropriations for roads in and about Yosemite National Park.

Also: Adopted Assembly Joint Resolution No. 3—Relative to Government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities.

Also: Concurred in the Assembly amendments to Senate Constitutional Amendment No. 3—Relative to charters.

Also: Concurred in Assembly amendments to Senate Constitutional Amendment No. 1—Relative to judiciary.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

Assembly Joint Resolution No. 4 ordered to enrollment.

Assembly Concurrent Resolution No. 2 and Assembly Joint Resolution No. 3 ordered to enrollment.

RESOLUTION.

By Mr. Wardell:

WHEREAS, In view of the threatened dismemberment of the British empire, due to the series of reverses in the South African conflict; and

WHEREAS, The predicted annihilation of the Transvaal Republic has resulted in a reversal of that prophecy; and

WHEREAS, The sympathy of the United States is due the British empire, and that as the time has arrived for the intercession of a neutral government; be it

Resolved, That the President of the United States is therefore requested to offer his good offices to President Kruger to bring about a cessation of hostilities.

Referred to Committee on Federal Relations.

RECESS.

At eleven o'clock and five minutes A. M. the Assembly took a recess for fifteen minutes.

REASSEMBLED.

At eleven o'clock and twenty minutes A. M. the Assembly reconvened.
Speaker Anderson in the chair.

MOTION.

Mr. Johnson moved that the Assembly do now resolve itself into Committee of the Whole, with Speaker Anderson in the chair, for the purpose of considering the resolutions of Messrs. Wade and Valentine.
So ordered.

IN COMMITTEE OF THE WHOLE.

The resolutions were considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Anderson in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1900.

GENTLEMEN: The Committee of the Whole, having had under consideration a resolution offered by Mr. Wade, also one offered by Mr. Valentine, do now report the same back, and recommend that they be adopted.

ANDERSON, Chairman.

Report adopted.

RESOLUTIONS.

By Mr. Valentine:

Resolved, That the State Controller be and he is hereby authorized and directed to draw his warrant in favor of C. W. Kyle, Chief Clerk of the Assembly, for the sum of \$19.30 to pay for record books, gavels, mallets, lock and key, supplies, repairing of clerk's desk, postage, and telegrams; and the State Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

D. Johnston & Co.	\$7 20
Siller Bros.	5 00
F. R. Pulford.	3 85
C. W. Kyle.	3 25
	<hr/>
	\$19 30

Resolution adopted.

By Mr. Wade:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same for the sum of two hundred and fifteen dollars and fourteen cents (\$215.14) in favor of W. O. Banks, Sergeant-at-Arms of the Assembly, to pay for articles as per attached bills:

H. S. Crocker Co.	\$37 10
Hale Bros.	2 64
Locke & Lavenson.	39 67
Klune & Floberg.	2 50
Capital Electric Works.	34 10
Siller Bros.	5 00
John Breuner.	93 13
Sayre & Son.	1 00
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	\$215 14

Resolution adopted.

REPORT OF COMMITTEE ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1900

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred a resolution introduced by Mr. Wade, directing the Controller to draw his warrant for the sum of \$153.50, and the Treasurer to pay the same, on account of the bills annexed to said resolution, have had the same under consideration, and respectfully report the same back with the recommendation that the following substitute be adopted in place thereof:

Resolved, That the Controller be and he is hereby directed to draw his warrants on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, in favor of the following-named persons, for the amounts set opposite their respective names, to wit:

Sunset Telephone Company.	\$12 50
Capital Artesian Water Company.	24 00
Capital Telephone and Telegraph Company.	12 50
Wyckoff, Seamans & Benedict.	24 00
Mrs. Clara Mackall.	6 00
W. D. Stalker.	35 00
Fred Valentine.	6 00
Buffalo Brewing Company.	8 40
W. O. Banks.	2 55

(The last item being in payment of bill of J. J. Hillard, and Sacramento postmaster.)
The foregoing amounts being in full payment of bills rendered and attached to the resolution for which this is a substitute.

VALENTINE, Chairman.

Report adopted.

Resolution by Mr. Wade:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of one hundred and fifty-three dollars and fifty cents (\$153.50), in

favor of W. O. Banks, Sergeant-at-Arms of Assembly, to pay for articles as per attached bills:

Sunset Telephone Company	\$12 75
Sunset Telephone Company	6 00
Capital Artesian Water Company	24 00
Capital Telephone Company	12 50
Wyckoff, Seamans & Benedict	24 00
Mrs. Clara Mackall	6 00
W. D. Stalker	45 00
Fred Valentine	6 00
Buffalo Ice Company	14 00
J. J. Hillard	55
Post Office	2 70
	<hr/>
	\$153 50

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1900.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred a resolution by Mr. Wade directing the Controller to draw his warrant on the Contingent Fund of the Assembly, and directing the Treasurer to pay the same to W. O. Banks, for articles as per bills attached to said resolution, has had the same under consideration, and respectfully reports that the committee is of the opinion that the items therein stated constitute a proper charge against the fund appropriated to keep the State Capitol in repair; but being advised that the drafts upon that fund have been unusually large by reason of the increased cost of labor and material, and that there is not enough left to meet the ordinary demands upon it for the remainder of this fiscal year, your committee recommends that the resolution be adopted.

VALENTINE, Chairman.

Report adopted.

Resolution by Mr. Wade:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly, and the Treasurer is hereby authorized to pay the same, for the sum of two hundred and forty-two dollars and thirty cents in favor of W. O. Banks, Sergeant-at-Arms of the Assembly, to pay for articles as per attached bills:

F. R. Pulford	\$37 55
George B. Stack	59 50
George B. Stack	111 25
Siller Bros.	34 00
	<hr/>
	\$242 30

Resolution adopted.

MOTION.

Mr. Belshaw moved that the vote whereby the Journal of Friday, February 9, 1900, was approved, be reconsidered.

So ordered.

CORRECTION AND APPROVAL OF JOURNAL.

Mr. Belshaw moved to correct the Journal of Friday, February 9, 1900, on page 11, line 4, to read \$59.50 instead of \$9.50.

So ordered.

The Journal of Friday, February 9, 1900, was approved as corrected.

By Mr. Dibble:

RESOLUTION.

Resolved, That a committee of three be appointed by the Speaker to wait upon the Governor and inform him that the Assembly is about to adjourn without date, and to ask if there is any further communication which the Executive desires to make to the Assembly.

Adopted.

APPOINTMENT OF COMMITTEE.

Messrs. Dibble, Miller of San Francisco, and Caminetti were appointed as such committee.

RESOLUTION.

By Mr. Wade:

Resolved, That the Speaker appoint a committee of three to wait upon the Senate and inform the Senate that the Assembly is now ready to adjourn without date and ask if the Senate has any further communication to make to the Assembly.

Adopted.

APPOINTMENT OF COMMITTEE.

Messrs. Wade, Knights, and Sanford were appointed as such committee.

PROTEST.

WHEREAS, My vote was recorded as "aye" upon Assembly Bill No. 2 on page 5 of the Journal of February 9, 1900, and I voted "no" thereon. I hereby protest against such record, and ask that the Journal of to-day show that I voted against said bill.

E. T. COSPER.

REPORT OF COMMITTEE FROM THE SENATE.

Senators Davis, Wolfe, and Doty appeared before the bar of the House and informed the Assembly that the Senate had finished the work before it and was ready to adjourn.

REPORT OF COMMITTEE APPOINTED TO COMMUNICATE WITH THE GOVERNOR.

Messrs. Dibble, Miller of San Francisco, and Caminetti returned and informed the Assembly that the Governor desired to communicate with the Assembly, and would send a message.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that Assembly Concurrent Resolution No. 2—Relative to appropriations for roads in and about Yosemite National Park—has been correctly enrolled, and was delivered to the Governor this day at eleven o'clock and fifty minutes A. M.

RICKARD, Chairman.

COMMUNICATION.

Mr. Valentine announced the receipt of the following resolution, and desired it published in the Journal.

Request granted.

RESOLUTIONS OF PURCHASERS OF AGRICULTURAL LAND IN THE STATE OF CALIFORNIA,
PASSED AT A REGULAR MEETING THEREOF.

WHEREAS, A group of persons of varied occupations, calling themselves miners, have staked off, in the counties of Kern and Fresno, as oil claims, large bodies of agricultural land, amounting to probably a million of acres, with a view of holding the same for speculation; and

WHEREAS, Said locators have not discovered mineral on said lands, but wish to hold the same under color of the mineral laws, without cost to themselves of discovery of minerals, and

WHEREAS, Such claimants hope to hold said land for two years without work thereon or payment therefor, and thereby monopolize the sale thereof, and

WHEREAS, Said claimants are boisterously demanding sympathy for themselves through the press and from confiding public bodies to sustain them in their project of getting something for nothing; and

WHEREAS, Other citizens of the State of California have bought said lands from the Government, and have paid the Government price therefor, and are able for all purposes to develop the same on a perfect title thereto; and

WHEREAS, A man who buys a piece of property in California and pays for it is quite as reputable as one who seeks to obtain it without payment and without compliance with the law; and

WHEREAS, The Legislature of this State has been appealed to by said oil claimants, who have paid nothing and discovered nothing, to aid them to retain said land against the citizen who has paid therefor; and

WHEREAS, It is not consistent with the dignity of the Legislature to entertain an appeal to it to violate the mining or other laws of the country; and

WHEREAS, The General Land Office has jurisdiction of all questions relating to the disposition of public lands, and of the respective titles of claimants thereto; and

WHEREAS, It appears that said General Land Office has already decided against the contention of said oil claimants: now, therefore, be it

Resolved, That we have the utmost confidence in the integrity and wisdom of the Land Department of the United States, and of the courts, and therefore deprecate an appeal to public sentiment to violate or frustrate the law or to interfere with its tranquil and orderly administration.

Resolved, That a copy of this resolution be forwarded to the Legislature of California in answer to certain resolutions recently presented to said body by said so-called oil claimants.

Resolved, That this resolution be signed by the Secretary of this meeting.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 10, 1900. }

To the Assembly of the State of California:

In my message to your honorable body upon the first day of this session, I expressed my confidence in you, and now at its close you are to be congratulated, among other things, for the short duration of this session and its moderate cost.

You have passed laws recommended in my proclamation, which by reason of the inestimable advantages which will redound to the people, have fully warranted me in calling you together.

Obedient to the will of your constituents, you have sacrificed your personal preferences, to agree upon and select an able and worthy Senator to represent California in the United States Senate at a juncture most important to the people of the State and Nation—a juncture when the magnificent policy of our President is about to be judged by the people whom he has so faithfully and honorably served, and when Congressional approval of that policy is necessary to firmly maintain, as an inseparable part of our soil, the new American territory acquired by the valor of our soldiers and sailors in a just and glorious war.

There have been passed, pursuant to my proclamation, the requested amendments to the Political Code, which laws will soon result in most material improvement to the harbor of San Francisco, thereby inviting to our shores the shipping of the world, and this great public advantage will be gained without the levy of taxes or the issuance of bonds. You have enacted the laws for the improvement of the Sacramento, San Joaquin, Feather, and Tuolumne rivers, recommended in my proclamation, and have by this legislation guaranteed protection to the extensive area of agricultural land in the Sacramento and San Joaquin valleys.

By repealing Section 19 of Article III of "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, as recommended in my proclamation, you have empowered the Lunacy Commission to reduce and regulate the cost of managing the State Hospitals for the Insane, which will enable the Commission to save to the people of the State, through their new schedule of salaries, upwards of sixty thousand dollars for the remaining three years of my official term, thus paying more than the whole expense of this extraordinary session.

Your labors being now at an end, I beg leave to thank you for your earnest assistance, and to bid you God-speed.

HENRY T. GAGE,
Governor of the State of California.

Ordered printed in the Journal.

MOTION.

Mr. Valentine moved to take up Senate messages.

So ordered.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, February 10, 1900.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to adopt Assembly Joint Resolution No. 1—Relative to application of Legislature of the State of California to Congress to call a convention to propose amendment to Federal Constitution on the question of election of Senators in Congress.

F. J. BRANDON, Secretary of Senate.
By F. L. THOMAS, Assistant Secretary.

FINAL REPORT OF COMMITTEE ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1900.

MR. SPEAKER: As the duty of making provision for the expenses of this extraordinary session of the Legislature by proper appropriation bills falls largely upon the Committee on Ways and Means, the committee has deemed it proper, by way of final report, to submit the following brief statement, showing the total cost of the extra session:

<i>Senate.</i>	
Per diem and mileage.....	\$5,608 00
Pay of officers and clerks.....	2,633 00
Contingent expenses.....	1,353 49
	<hr/>
	\$9,594 49
<i>Assembly.</i>	
Per diem and mileage.....	\$11,261 40
Pay of officers and clerks.....	3,519 50
Contingent expenses.....	3,147 12
	<hr/>
	\$17,928 02
<i>Summary.</i>	
Senate.....	\$9,594 49
Assembly.....	17,928 02
Printing expenses, both houses.....	4,500 00
	<hr/>
	\$32,022 51

Your committee feels that in view of the splendid results accruing to the State from the labors of this session of the Legislature in the election of a United States Senator, in the passage of the San Francisco Harbor bills, repeal of the mining law, and repeal of the wide-tire bill, and other measures, the advantages to the State richly compensate for the small expense of the session.

VALENTINE, Chairman.
BELSHAW.
COBB.
KELLEY.
CAMINETTI.
KNIGHTS.
ARNERICH.
WORKS.
GRIFFIN.
WARDELL.
PIERCE.

Report adopted.

REPORT OF COMMITTEE APPOINTED TO COMMUNICATE WITH THE SENATE.

Messrs. Wade, Knights, and Sanford returned from the Senate, and reported that they had informed that body of the desire of the Assembly to adjourn.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1900.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following joint resolutions have been correctly enrolled:

Assembly Joint Resolution No. 3—Relative to government lands containing petroleum, asphaltum, and other valuable minerals in paying quantities.

Assembly Joint Resolution No. 4—Relating to the report of the California Debris Commission.

And were presented to the Governor Saturday, February 10th, at eleven o'clock and fifty-five minutes A. M.

RICKARD, Chairman.

RESOLUTION.

By Mr. Caminetti:

Resolved, That the thanks of the Assembly are due and are hereby tendered to the Speaker for his uniform courtesy, and for the efficient and equitable manner in which he has discharged his duty during this extraordinary session.

Resolution adopted.

ADDRESS BY THE SPEAKER.

The Speaker made a short speech thanking the members for their uniform courtesies.

FINAL ADJOURNMENT.

Upon the conclusion of his remarks, the Speaker declared the Assembly adjourned *sine die*.

ALDEN ANDERSON,
Speaker.

F. E. DUNLAP,
Speaker pro tem.

C. W. KYLE,
Chief Clerk.

R. Q. WICKHAM,
Minute Clerk.

L. DAVIS,
Journal Clerk.